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ABSTRACT

This guide provides information to help parents of special needs children in New York become active partners in the planning and implementation of special education programs for their child. Part 1 of the guide provides in-depth information related to the special education process in New York public schools. A historical view of children's rights to an appropriate education and overviews of the regular and special education processes in New York are presented. A seven-step chart explains the seven steps of the special education process: (1) referral; (2) evaluation; (3) recommendation; (4) implementation; (5) planning conference; (6) annual review; and (7) triennial evaluation. Timelines required for the seven-step process are discussed. Information is also presented on due process, the procedures used to protect children's rights to a free appropriate public education, and preparing children for future education and employment opportunities. Part 2 of the guide serves as a practical handbook which complements Part 1 and provides specific suggestions for parent participation in an effective partnership with school personnel. Additionally, information is provided on frequently used acronyms (such as IEP--Individualized Education Program) and resources available through the Office for Education of Children with Handicapping Conditions (OECHC): early childhood directions centers, special education training and resource centers, and regional offices. The OECHC's information checklist is also provided. (CB)

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A PARENT'S GUIDE TO SPECIAL EDUCATION

YOUR CHILD'S RIGHT TO AN EDUCATION IN NEW YORK STATE

THE UNIVERSITY OF THE STATE OF NEW YORK
THE STATE EDUCATION DEPARTMENT
OFFICE FOR EDUCATION OF CHILDREN
WITH HANDICAPPING CONDITIONS
ALBANY, NEW YORK 12234

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DEPUTY COMMISSIONER FOR ELEMENTARY, SECONDARY AND CONTINUING EDUCATION
THE NEW YORK STATE EDUCATION DEPARTMENT
ALBANY, NEW YORK 12234

September 1984

TO: Parents, Agencies, Organizations, and Individuals Concerned with the Education of Children with Handicapping Conditions

FROM: Gerald L. Freeborne, Deputy Commissioner

SUBJECT: A Parent's Guide to Special Education

A Parent's Guide to Special Education; Your Child's Educational Rights in New York State is a new publication designed to assist parents in understanding the special education process. The previous parent manual, Your Child's Right to an Education, is now out of print. It has been rewritten to incorporate the changes in Part 200 of the Regulations of the Commissioner of Education and includes information requested by the Federal Department of Education, as well as suggestions from parents and educators.

Part I of the guide provides in-depth, sequential content related to the special education process. Part II is a practical handbook with suggestions for parent record keeping, participation in a parent/school partnership, due process assurances, and resource materials. Together they provide a complete reference for parents whether their child is at the referral stage or ready for a triennial review.

School districts should make the guide available to parents of each child who may have or is known to have a handicapping condition.

Additional copies are available from:

New York State Education Department
Division of Program Development
Room 1071, Education Building
Albany, New York 12234
ATTN: Parent's Guide

A PARENT'S GUIDE TO SPECIAL EDUCATION

Your Child's Educational Rights in New York State

REPRINTED 1986

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The University of the State of New York
THE STATE EDUCATION DEPARTMENT
Office for Education of Children with Handicapping Conditions
Albany, New York 12234

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TO PARENTS

Are you the parent of a child whose educational needs may include special education? If so, your advice will be very important in defining a successful education program for your child. As your child progresses through his or her school years, you will be invited to participate on behalf of your child with those responsible for providing educational programs. This home-school partnership may encourage you to be an "after-school teacher" or an advisor to your child's teacher and/or other school professionals. It may also allow you to share your awareness and information with others in the community.

Your involvement in planning appropriate special education programs for your child may be a basic idea, but putting it into practice has not been easy. Recent changes in the provision of special education reflect a new spirit of cooperation for addressing the varied needs of children with handicapping conditions. Educators and parents look forward to an active partnership with the student as the direct beneficiary.

Your child's educational rights are formally protected through law. The laws, at both the Federal and State levels, require that parents be included in special education and the decision-making process. They assure that every child with a handicapping condition receives a free appropriate public education. They also assure you, as a parent, the right to be actively involved in the educational progress of your child in various school settings.

The parents' contribution to the special education process in New York State is extremely important. The State Education Department is firmly committed to providing you with the information, training and support needed to understand your child's rights and to take advantage of the opportunity to contribute to school efforts to help your child.

This guide is one way of expressing our commitment to providing information that will enable you to act as a partner in your child's education. It is the Department's hope that the content and suggestions included in the guide will help your child benefit from a cooperative support system between home and school. This full partnership is an essential component in the successful education of children with handicapping conditions.

PART I

INTRODUCTION

Special education, as we now know it, is the result of much growth and activity during the period from 1975 to 1984. The brief review that follows helps in understanding current requirements.

History

1960 Until the 1960's, efforts to provide adequate care and education to handicapped persons were inconsistent, and often inappropriate. This caused great concern and led to increased activity by parent organizations and advocacy groups. The courts also became involved. Litigation in this area became more and more frequent. Several laws were passed to alleviate situations of neglect and inadequate provision of services for handicapped students. This period of change paralleled other equal rights movements in this country which stressed the worth of the individual.

1975 Public Law 94-142 was signed in 1975 and greatly affected more than five million handicapped children in the United States. It was a unique law that created and defined its purpose in very specific terms:

Concerns Addressed	Assurances
• unserved and unidentified handicapped children;	• handicapped children are entitled to free appropriate public education;
• limited recourse for preventing or correcting inappropriate decisions;	• the rights of handicapped children and parents are protected;
• ineffective and inadequate programs and services;	• programs are evaluated for their effectiveness;
• limited local and State resources.	• requires local and State commitment of resources.

1976 In New York State, the years 1976 through 1984 brought revisions in laws, regulations and guidelines for local school districts and agencies which provide services to handicapped students. These efforts resulted

1984 in definitive and well-tested revisions of the Part 200 Regulations of the Commissioner. A comprehensive system of educational services is now firmly established to meet the individual needs of handicapped children. At the Federal level, Public Law 98-199 revised and extended P.L. 94-142 with even greater emphasis on the role of parents in the special education process.

The purpose of special education law and regulation is to ensure that each child with a handicapping condition has equal opportunity to benefit from public instruction.

Your child's rights can be described under the following concepts:

The Right to a Free Public Education

Children in New York State, who reach the age of 5 on or before December 1 of that school year, are eligible to attend public schools in the district where they live without payment of tuition. Eligibility to attend school continues until receipt of a high school diploma or until the end of the school year of their 21st birthday, whichever is earlier.

The Right to a Free Appropriate Public Education

Children with handicapping conditions are entitled to receive a free **appropriate** public education. The addition of the word appropriate has important implications for your child. They have the right to expect an educational program which permits them to benefit educationally from the instruction provided. These educational programs are **special** because they are specifically designed for the individual student with handicapping conditions and are systematically reviewed for appropriateness.

The Right to Instruction in the Least Restrictive Environment

The needs of many handicapped children can be met in a public school setting with nonhandicapped peers. Alternative programs should be considered only when the students' needs cannot be met within the regular school setting. The concept of the least restrictive environment ensures three considerations for all children with handicapping conditions:

- appropriateness of programs and services for meeting student needs;
- student involvement with nonhandicapped peers; and
- closeness of school programs to home.

The Right to Equal Treatment and Due Process

Children with handicapping conditions are given certain rights protected by law and due process. This prompts schools and parents to work together to provide a free appropriate education in the least restrictive setting. As partners in the process, both school officials and parents have a responsiblity to consider children's needs and to provide an education accordingly. If individuals disagree, formal and informal methods are available to maintain a fair process for resolution.

Parental Involvement

Laws on the education of handicapped children have formally recognized the role of parents in the special education process. However, laws and regulations can go just so far. The success of any individual's educational program relies on the active participation of all persons responsible for the student. Effective parent involvement is an essential part of this process. Although you may vary your level of participation as your child proceeds through school, your successful participation at any point will depend on:

- Being fully informed about school programs and your child's rights
- Viewing your position as one of partnership with the school
- A willingness to become involved and interested
- Providing support to educational programs
- Asking questions and voicing concern when you are unsure
- Communicating with your child about school
- Maintaining current information about your child's educational program and progress.

THE STARTING POINT—REGULAR EDUCATION

More than eighty percent of students with handicapping conditions receive their education in public schools. The majority of these students participate in regular education classes and extracurricular activities and are capable of meeting local diploma requirements. This has far-reaching implications for planning educational programs for students with handicapping conditions. It also illustrates a very important concept — special education is one part of the total school environment.

In the past, special education was viewed as a separate part of the school or district. Classes were physically separated from the rest of the school. Content and curriculum taught to students in special education were developed differently. A lack of emphasis and awareness on how to combine programs kept teachers and students isolated. Both regular and special educators have worked diligently during recent years to change this practice. The concept of the least restrictive environment has become important in promoting needed changes. Consideration of the least restrictive environment influences parents making short- and long-term decisions about their children's education. It is important, therefore, to be knowledgeable about regular education **and** special education programs.

Free public education is provided by a local school district to eligible school-age students who reside in that district. This means that students who have reached the age of five on or before December 1 of a given school year, and those who are under twenty-one years of age at the beginning of their last school year, are entitled to instruction. Free public education ends when a student receives a diploma or when a student finishes the school year at age twenty-one. In addition, all children between the ages of 6 and 16 are **required** to attend school on a full-time basis in New York State.

This information is especially important in planning for the education of students who may require special education. The following points may be helpful as you plan your child's education:

1. The availability of free instruction through age twenty-one is an opportunity for all students, including students with handicapping conditions. High school students are eligible to pursue a diploma at public expense beyond age eighteen. The option to achieve minimum competencies and to acquire high school credit beyond a four-year time frame adds instructional flexibility, if needed, to ensure educational success.

2. The attainment of a high school diploma means the completion and end of free public instruction. A diploma is a document which signifies that minimum standards have been achieved. This consideration is important in planning for the attainment of long-range student goals.

3. Although public school education begins officially at age five, some school districts provide prekindergarten programs. If such programs are available to preschoolers, they must also be available for preschoolers with handicapping conditions.

4. If parents voluntarily enroll their children in a school **other** than their local public school, the local public school is **not required** to pay for that education. However, if the public school places a student in a school or agency outside the district, the school **is required** to provide the program at no cost to the parent. In New York State, children with handicapping conditions may not be denied admission or be excluded from the public school because of their handicapping condition. A parent of a child with a handicapping condition is not required to pay for programs recommended by the Committee on the Handicapped and approved by the Board of Education.

5. A student who attends a nonpublic school is entitled to special education services and programs if the local public school determines that the student is handicapped and such programs and services are appropriate for the student. Parents who have enrolled their children in a parochial or private school, and feel that special education may be required, may request an evaluation through their district of residence.

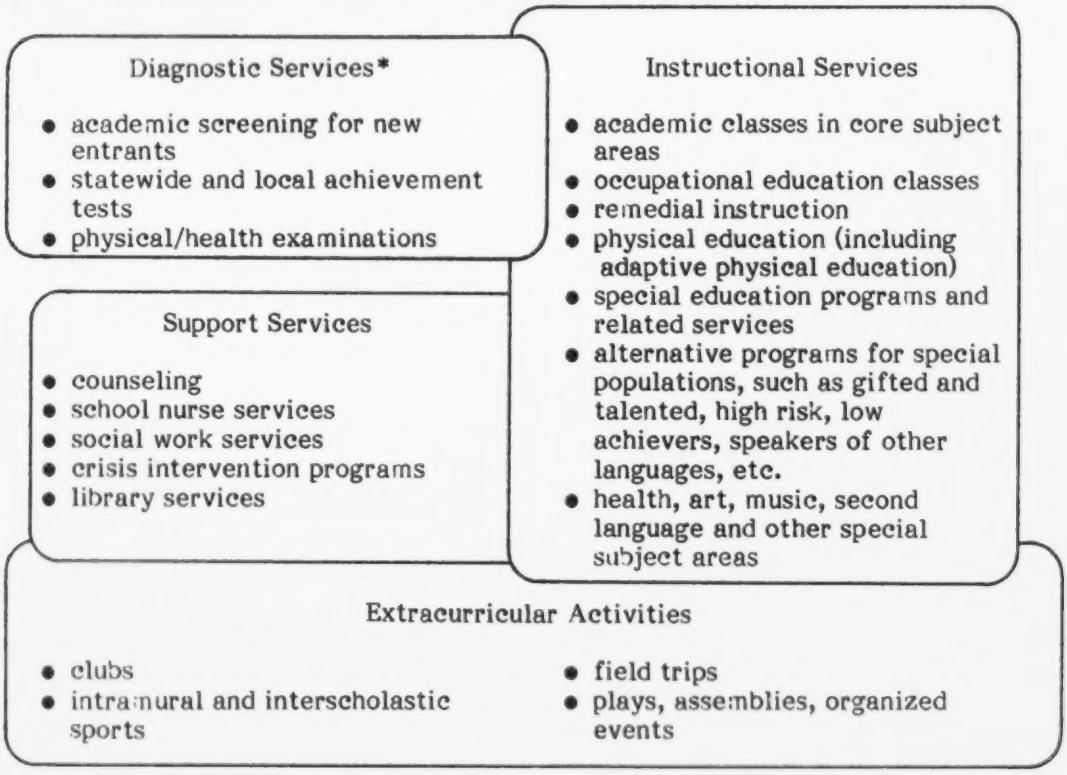
6. Language differences should not prevent appropriate education and planning. If you or your child primarily speak a language other than English, appropriate provisions for your participation and your child's instruction must be made by the school district.

How Do Regular Education and Special Education Interact?

Most students with handicapping conditions are in public school settings. Therefore, it is an advantage for parents to become familiar with the components of regular education. Programs in regular and special education are often provided in various combinations to allow students with handicapping conditions to participate more effectively in the total school environment. For example, a student in special education may receive a variety of services depending on his or her individual needs. These may include regular class programs, special class programs, vocational education, after-school clubs, and so on. The combination of programs and services is tailored to meet the needs of each individual with an educational handicap. All public school programs are open to children whose educational needs require special education.

What Is Public School Education?

Public school programs may include the following types of services. The specific range of services may vary depending on the school district.


Diagnostic Services*
• academic screening for new entrants
• statewide and local achievement tests
• physical/health examinations
Instructional Services
• academic classes in core subject areas
• occupational education classes
• remedial instruction
• physical education (including adaptive physical education)
• special education programs and related services
• alternative programs for special populations, such as gifted and talented, high risk, low achievers, speakers of other languages, etc.
• health, art, music, second language and other special subject areas
Support Services
• counseling
• school nurse services
• social work services
• crisis intervention programs
• library services
Extracurricular Activities
• clubs
• intramural and interscholastic sports
• field trips
• plays, assemblies, organized events

*Diagnostic Services

Screening Programs. New entrants to public schools must be screened to identify possible giftedness or handicapping conditions. This screening is a preliminary assessment in the areas of receptive and expressive language, articulation, physical development, motor development and cognitive development. It must also include a health examination. Scoliosis screenings are required in certain grades. The results of the screenings are included in a written report which is reviewed by school personnel for possible recommendation of services. Also, students who score below certain levels on statewide tests must be screened to determine the need for further evaluation.

Testing Programs. Statewide tests are required for demonstration of competencies in academic areas. New York State's testing program is very comprehensive and provides checkpoints to assess student progress. Students are expected to participate in these programs and demonstrate content and skills that reflect required competencies. Alternative testing techniques are available for students with handicapping conditions to allow every opportunity to demonstrate acquired skills and knowledge. The type of alternative testing that the student needs is written on the Individualized Education Program.

A summary of statewide tests is presented below:

Grade	Test	Area
3	Pupil Evaluation Program (PEP)	Math, Reading
5	Pupil Evaluation Program (PEP)	Writing
6	Pupil Evaluation Program (PEP)	Math, Reading
8-9	Preliminary Competency Tests (PCT)	Reading, Writing
9	Regents Competency Test (RCT)	Math
9	Regents Competency Test (RCT) (beginning with the graduating class of 1991)	Science
9	Proficiency Examinations (optional)	Second language
9-12	Regents Examinations (not required for all students)	Various subject areas.
10	Regents Competency Test (RCT) (beginning with the graduating class of 1991)	Global Studies
11	Regents Competency Test (RCT) (beginning with the graduating class of 1989)	American History and Government
11-12	Regents Competency Tests (RCT)	Reading, Writing

Students with handicapping conditions must have equal opportunity to participate in the educational system with their nonhandicapped peers. Special education, which is one component of the public school system, is purposely designed to lessen the interference of a disability and to strengthen the educational progress of eligible students.

ANOTHER APPROACH—SPECIAL EDUCATION

Educational changes must keep pace with changes occurring in our society. This helps students receive instruction that prepares them successfully for lifetime endeavors. Tailoring educational programs to the individual student is a change that serves this purpose. Programs now offer students instruction according to their abilities, using creative teaching methods and innovative strategies. Many districts have open classrooms, programs for the gifted and talented, incentives for high-risk students and other nontraditional services. The goal of recent changes is to provide students with options that more appropriately address student needs and capabilities.

It is not uncommon for students to have some difficulty during their educational years. At such times, teachers adjust curriculum or provide additional instruction, remedial work or support services. Such adjustments enable students to maintain progress within the regular education setting. Special education is another type of adjustment in the student's education.

Special education is an approach for providing specially designed services and programs for children with educational handicaps. It is dynamic and intended to meet needs and enhance strengths. Students and parents become introduced to special education in various ways. Some handicapping conditions are recognized when children are very young. Other children are not identified until they show difficulty in regular school programs. Special education programs and services assure that children with handicapping conditions receive appropriate and equal opportunities for educational growth before, during and beyond typical school age.

In New York State, the requirements for special education are specified in Article 89 of the Education Law and Part 200 of the Regulations of the Commissioner. The law and regulations outline a consistent statewide process that follows Federal requirements and, most importantly, protect the integrity of educational programming for handicapped children.

NEW YORK STATE

What Is the Special Education Process?

The need for special education is determined in the following manner:

- Students thought to be educationally handicapped are **REFERRED** to a team called the Committee on the Handicapped (COH).
- This team, the COH, **EVALUATES** students' strengths and deficiencies.
- The COH **RECOMMENDS** an appropriate Individualized Education Program (IEP) based on evaluation results.
- The program is **IMPLEMENTED** upon Board of Education and parental approval.
- Instruction begins; student objectives are discussed and written at a **PLANNING CONFERENCE** with the parent.
- The IEP is modified or adjusted by the COH at an **ANNUAL REVIEW.**
- The student has a **TRIENNIAL EVALUATION** to assure that the IEP is the appropriate educational plan.

The process occurs sequentially with each step building on the previous one. In this way, comprehensive information regarding the student is obtained and considered. Parents are an integral part of this process. Your involvement is encouraged and timelines are in place so that delays are avoided. The Handbook Section is included in this guide to provide suggestions for your involvement and to encourage your active and informed participation.

Who Is Involved in the Provision of Special Education?

Many people with different responsibilities are involved throughout the process. Each person's success in fulfilling his or her responsibilities affects the completion of tasks on time and the thoroughness of program planning.

The key decision-makers in the special education process are:

- **the parent or guardian and the child, when appropriate**
- **the Board of Education/Trustees**
- **members of the Committee on the Handicapped and its subcommittees**
- **educational administrators**
- **teachers and support staff.**

The **parent or legal guardian** of the child plays an important part in special education. Parental participation is encouraged and some activities cannot take place without parent approval. Schools must fully inform parents of special education activities and provide the opportunity for parent participation in meetings. Parents provide initial consent to proposed actions and may exercise due process rights if disagreements arise. These parental responsibilities are formalized in Federal and State laws and regulations. However, a parent's "informal" role may be just as important in ensuring an appropriate educational program for the child. Informal responsibilities may include:

- Consistently following your child's educational development
- Preparing in advance for meetings
- Making sure that you receive required notices and current information
- Keeping records of letters and contacts
- Maintaining a current file on your child's school progress.

Your initiative to be involved will help build a true partnership with the school. In some cases, the parent or guardian of a child with a handicapping condition is unknown or unavailable. The district is then obligated to appoint an appropriate adult to serve in the role of the natural parent. This individual is called **a surrogate parent** and ensures equal protection and support for the child in the parent's absence.

In New York State, the **Board of Education** (BOE) is responsible for education in the district. This includes providing instruction for children with handicapping conditions. The Board of Education must conduct a census to identify all children with handicapping conditions who reside in the district. It must maintain a register of handicapped children entitled to attend the schools of the district. The BOE must also appoint the Committee on the Handicapped and any subcommittees, establish written policy regarding the provision of special education programs and services and finalize program recommendations. The BOE must also maintain lists of impartial hearing officers and surrogate parents.

The **Committee on the Handicapped** (COH) is a multidisciplinary team that coordinates evaluations and recommends programs and services for children with handicapping conditions. This group works to ensure that the child's needs are considered from all viewpoints. Traditionally, decisions in providing special education were made by individuals, not teams. However, the results of these decisions indicated that the approach was not always fair. Decisions made through a multidisciplinary team process are based on more information, encompass a wider range of ideas and consider many different alternatives in the process.

The membership and responsibilities of the Committee on the Handicapped are mandated in Article 89 of Education Law and specified in the Part 200 Regulations of the Commissioner. The Board of Education of each district must appoint at least four specific persons to the Committee.

MEMBERS OF THE COMMITTEE ON THE HANDICAPPED

- **School psychologist**
- **Teacher or administrator** of special education
- **School physician** - membership is mandatory but actual attendance at each meeting is requested by the parent or the COH in advance.
- A **parent of a handicapped child** residing in the school district.

- Other persons the district feels may be helpful to the team, such as guidance counselors, school nurses, social workers, related service personnel, or school administrators.

The Board of Education may appoint **subcommittees** to assist the Committee on the Handicapped. The members of the subcommittees and their responsibilities are similar to those of the main Committee. Subcommittees report to the COH and rely upon the main Committee to resolve parent/school disagreements.

The Committee on the Handicapped has several responsibilities in the special education process. Major duties include reviewing referrals, conducting and arranging evaluations, and recommending appropriate programs for handicapped children. The COH also reports to the Board of Education on the status of special education and is often responsible for notifying and assisting parents. One member of the Committee is appointed by the Board of Education to act as the **chairperson.** This person has the primary responsibility for coordinating activities.

Several educational **administrators** may be involved with the provision of services to handicapped children including the following:

- Superintendents of Schools. - They may recommend policy to the Board of Education including policy related to special education. Superintendents are also responsible for assuring that policy and procedures are implemented to the satisfaction of the Board.

- Central Office Administrators. - Directors and assistants for Special Education, Pupil Personnel Services, Elementary and Secondary Instruction, Transportation and Finance usually participate in areas related to special education. Input may range from staff assignments and scheduling to arranging for student placement and evaluating program effectiveness.

- Building Level Administrators. - School principals, assistant principals, deans, department coordinators and helping teachers often contact parents, communicate with teachers and assist students with handicapping conditions. Building level administrators can offer direct support and assistance for most questions related to day-to-day instruction and school concerns.

Teachers and Support Staff - Special education teachers, regular education teachers, related services personnel, psychologists, social workers, guidance counselors, reading specialists, school nurses, custodial staff, office personnel or other adults help students during the course of a school day. These people may be requested to provide information, assistance or services to supplement the child's educational program.

In addition, New York State's educational system requires that both regular and special education staff work cooperatively to provide programs for handicapped students. Regular education teachers who have students with handicapping conditions in their classes are responsible for understanding student needs and objectives.

How Is Special Education Provided?

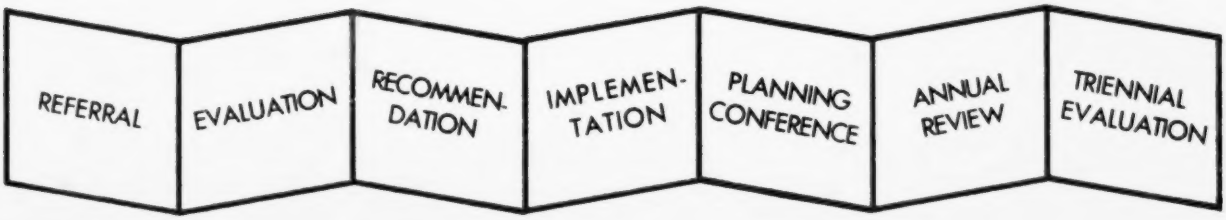
The process of providing special education to eligible students consists of specific steps which have been mentioned previously. The major steps are **referral, evaluation, recommendation, implementation, planning conference, annual review,** and **triennial evaluation.** For students who have not been previously identified as having a handicapping condition:

- Referral, evaluation and recommendation must be completed within 30 school days after parental consent to evaluation is received or 40 schools days from receipt of referral, whichever period ends earlier.
- Implementation must begin within thirty school days of the recommendation.
- The IEP planning conference must be held within thirty school days of program implementation.

This is a maximum time frame of one hundred school days. After this time, the process is cyclical. The student's progress is reviewed at least annually by the COH, and the student is reevaluated every three years. This allows for structure that is dynamic and responsive to student changes and needs.

It is important for parents to ask questions of teachers, administrators and other school staff about the provision of special education. The general description provided thus far outlines State requirements. The specific steps will be detailed in the next several pages. However, at times, there may be additional requirements for districts as the result of Board policy or judicial decrees and decisions. If you have doubts, actively seek anwers to questions that you may have. The information will reinforce the home/school partnership for the benefit of your child's education.

SPECIAL EDUCATION



STEP 1 - REFERRAL: IDENTIFYING CHILDREN WHO MAY NEED SPECIAL EDUCATION

STEP 2 - EVALUATION: COLLECTING INFORMATION THROUGH ASSESSMENT

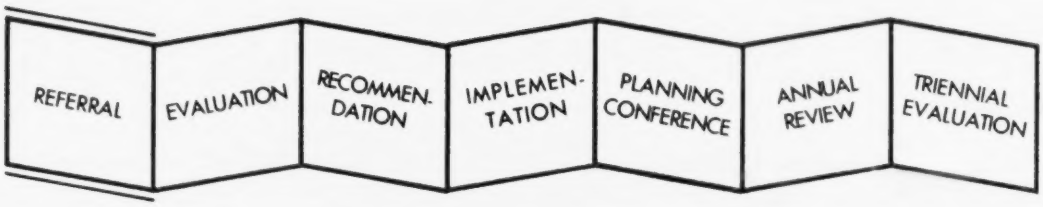
STEP 3 - RECOMMENDATION: SOLUTIONS FOR CHILDREN'S NEEDS/PHASE I OF THE IEP

STEP 4 - IMPLEMENTATION: ARRANGING FOR PROGRAMS AND SERVICES

STEP 5 - PLANNING CONFERENCE: PHASE II OF THE IEP

STEP 6 - ANNUAL REVIEW: UPDATING THE PROGRAM

STEP 7 - TRIENNIAL EVALUATION: UPDATING TESTS AND EVALUATIVE INFORMATION



STEP 1 - REFERRAL: IDENTIFYING CHILDREN WHO MAY NEED SPECIAL EDUCATION

What Is a Referral?

A referral for special education is a written statement to the Committee on the Handicapped. It indicates that the person submitting the referral believes a child may have an educationally handicapping condition. A referral to the COH does not necessarily mean that the child is handicapped. It signals that a child is having learning problems and that the person making the referral is concerned.

Who Can Make a Referral?

The following persons can make a referral to the Committee on the Handicapped:

- Child's parent or person in parental relationship
- Professional staff member of the school district in which the child resides or in the public or private school the child legally attends
- Licensed physician
- Judicial officer
- The commissioner or designee of a public agency with responsibility for welfare, health or education of children.
- An individual, on his or her own behalf, if he or she is 18 years of age or an emancipated minor.

What Should Be in a Referral?

Each referral must be in writing. The specific content of a written referral depends on the source of the referral.

A referral by a parent, a judicial officer or the student should include the reason for submitting the referral and any details which describe the areas of difficulty.

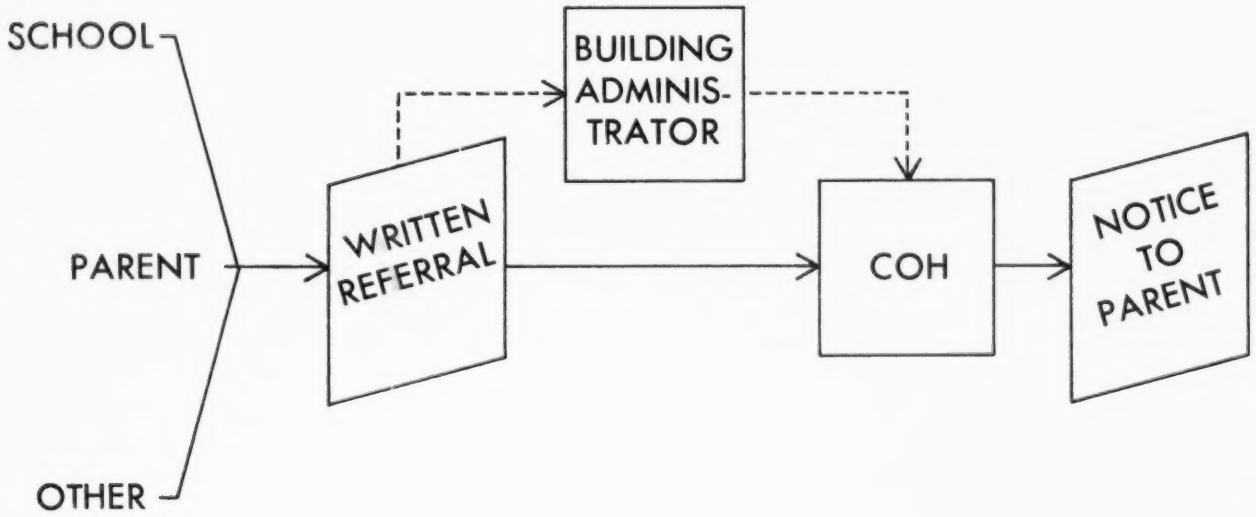
A referral made by a professional staff member of the child's school, a licensed physician, or either a commissioner or designee of a public agency, must include the following:

- the reason for believing that an educational handicap exists;
- any test results, records or reports upon which the referral is based;
- a description of any attempts to remediate the student's performance prior to the referral; and
- a description of the extent of any parental contact or involvement prior to the referral.

How Is a Referral Submitted?

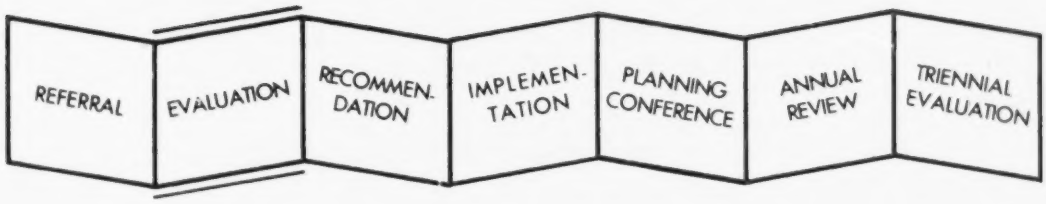
- The written referral can be sent to the building administrator of the child's school or to the chairperson of the Committee on the Handicapped.
- If the chairperson first receives the referral, he or she must immediately notify the parents that a referral has been received and that evaluative information is being sought regarding their child. A copy of the referral is sent to the building administrator within five school days.
- If the building administrator first receives the referral, he or she must forward it immediately to the chairperson of the COH. The chairperson must notify the parent immediately and send a copy of the referral to the building administrator within five school days.

THE REFERRAL PROCESS



Parental Assurances in the Referral Process

If your child is referred by you or by someone else to the Committee on the Handicapped, you are notified in writing. The notice will inform you that evaluative information is needed for your child. It will include the reason for referral, a description of the proposed evaluation and will ask for your consent to evaluate your child. It will also provide information on your child's rights. This information may seem extensive and, at times, highly technical. It is not intended to be confusing or frightening. However, it is required by Federal law. It ensures that you are fully informed of what will occur, why it is occurring and what you can do to help.



STEP 2 - EVALUATION: COLLECTING INFORMATION THROUGH TESTS

What Is the Purpose of Evaluation?

Following a referral to the COH, and with parental permission, an individual evaluation is conducted. This means that specific tests and discussions take place to discover the factors affecting your child's school performance. The results help to determine if special education is needed. They also help to determine whether factors unrelated to handicapping conditions are affecting performance. Evaluation results provide information that is useful for modifying your child's program, if needed.

Why Is Parental Consent Necessary for Evaluation?

Request for consent should not be misinterpreted as a decision that your child has a handicapping condition. However, it is important that parents have a full understanding of the reasons for an individual evaluation. Parental consent assures full knowledge of school actions to gather more specific information on your child's educational needs.

If you have questions about the purpose or type of evaluation, or if you do not want your child evaluated, you may request an informal conference. This conference may be held with the Committee, other professionals familiar with the proposed evaluation, the person who referred the pupil, a school advisor or others of your choice. The conference may ease your concerns about the proposed evaluation. Such meetings may also result in an agreement between the referring party and the parents to withdraw the referral. If agreement to either evaluate or withdraw the referral cannot be reached, an impartial hearing is required to resolve the issue.

What Is Included in the Evaluation?

The evaluation is conducted on an individual basis and must be a comprehensive assessment of the student's skills and abilities. The evaluation must include a physical examination, an individual psychological evaluation, a social

history, an observation of the student in the classroom, and appropriate educational evaluations and assessments relating to the areas of the suspected disability. The results are used to determine student strengths and weaknesses and individual student needs.

Who Conducts the Evaluation?

The evaluation must be conducted by a number of persons in order to provide a comprehensive assessment. By using a team approach, information in key areas can be gathered in several ways. School psychologists, physicians, teachers, speech therapists, social workers and educational evaluators are often involved to gather information in areas regarding academic achievement, learning characteristics, social development, physical development and management needs. The focus of the total assessment is on student strengths and weaknesses and their affect on educational performance.

How and When Does the Evaluation Occur?

The evaluation must be completed within thirty school days from the time of consent or within forty school days of receipt of referral, whichever is earlier. The timeline is required so that the student is provided with an appropriate program as soon as possible. Open communications between home and school will prevent unnecessary delays. Questions that arise or information that is unclear should be clarified as soon as possible. If a specific situation prevents timelines from being met, the reasons should be documented for future reference.

After parental consent is given, the Committee on the Handicapped begins the evaluation as described in the notice. The Committee is responsible for making all the arrangements. As a parent, you have the right to bring or send additional information about your child to the Committee, if you wish. This information must be considered by the Committee in its recommendations. When all the information about your child has been gathered, the Committee, with your involvement, will begin developing its recommendations.

The following table provides an overview of the types of evaluations and the persons who may be responsible for completing these tests. The types of evaluations given in your district are listed as part of the notice about referral and proposed evaluation. All evaluation techniques must be appropriate for culturally and linguistically diverse students. If needed, interpreters and translators are to be used to ensure valid results.

COMPONENTS OF A COMPREHENSIVE EVALUATION

Type of Evaluation	Areas that May be Assessed	Staff Who Might Conduct Evaluations:
Physical Examination	Sight, hearing, physical development, medical needs, and physical factors which affect school progress.	School physician
Individual Psychological Evaluation	General intelligence, learning strengths and weaknesses, instructional needs, social interactions and relationships.	School psychologist
Social History	Social development, current social interactions; factors within home, school and community which may contribute to student's difficulties.	School social worker; school nurse; counselor.
Observation in the Classroom	Performance in the current educational setting, relationship to teachers and other students, learning styles, attention span.	School administrator; reading specialist; guidance counselor; COH member; school psychologist.
Appropriate Educational Evaluations	Educational achievement; learning strengths and weaknesses; vocational and academic needs.	Teachers; reading specialist; guidance counselors; vocational counselors.
Assessments in all areas relating to the suspected disability	A specific disability related to health, vision, hearing, social-emotional development, general intelligence, communication skills, motor abilities and academic performance.	School nurse; speech therapist; audiologist; physical therapist; occupational therapist; teacher or specialist with knowledge in area of suspected disability.

Independent Evaluation

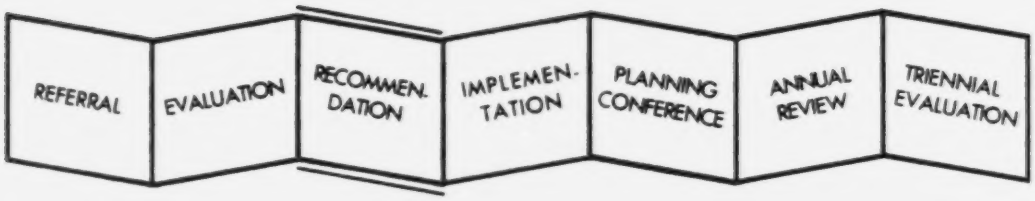
Parents and districts work together to ensure that the evaluation is comprehensive and useful in decisions about each child's education. However, you may decide that the evaluation conducted by the Committee on the Handicapped is not appropriate, or you may disagree with the results of the evaluation. In these instances, you have the right to obtain an independent evaluation to be conducted at public expense. Upon request, parents are provided with the names, addresses and telephone numbers of public and private agencies or professional resources where an independent evaluation may be obtained.

The independent evaluation will be conducted at public expense unless the school district initiates an impartial hearing to show that its evaluation is appropriate. If the impartial hearing officer determines that the district's evaluation is appropriate, the parent may still obtain an independent evaluation but at parental expense. In summary, parents may obtain an independent evaluation at any time, but, if the district chooses, it may contest evaluation payment at public expense.

Parental Assurances

Throughout the evaluation process, parents receive many assurances from the school district. You should expect:

- Prior notification of the need to evaluate, a description of the proposed evaluation and its intended purpose.
- The opportunity for consent, to withhold consent or to request an informal conference, with regard to an initial evaluation.
- A number of the specialists to be involved in the evaluation, including at least one teacher or other specialist with knowledge in the areas of suspected disability.
- Information on specific areas of educational need in addition to general intelligence quotient (IQ).
- Appropriate methods for assessing various skills of children with impaired sensory, manual or speaking skills. The method of testing should not interfere with demonstrating skills or knowledge.
- Assessment of your child in all areas related to the suspected disability.
- Nonbiased tests administered in your child's dominant language or other mode of communication.
- Tests administered by trained personnel.
- Tests that are appropriate for analyzing the particular problem.
- The opportunity to provide information for the evaluation.
- A complete evaluation and recommendation within thirty school days from the time of your consent.
- Protection of your child's confidential records. School districts must follow the requirements mandated through the Federal law protecting the privacy rights of parents and students. You have the right to review your child's records and make copies at a reasonable cost.



STEP 3 - RECOMMENDATION: SUGGESTING SOLUTIONS TO ADDRESS CHILDREN'S NEEDS

What Is Recommendation?

The recommendation is a group decision that a student **does** or **does not** require special education services. During this step, meetings are held to analyze and discuss results of the comprehensive evaluation. If the student is not eligible for special education programs, the recommendation will indicate why. If the student is eligible for special education services, an Individualized Education Program will be developed. In either case, the COH recommendation is sent to the Board of Education and the child's parents.

Who Is Involved in the Recommendation?

People knowledgeable about education and instruction will be involved in the recommendation process. Their participation may occur in meetings, through written reports, informal conferences or by telephone. The Committee on the Handicapped must review findings to develop an appropriate recommendation. The following list highlights those most often involved in developing recommendations for students referred to the Committee on the Handicapped:

Parents of the student - As a parent or legal guardian, your participation is extremely important. Your ability to provide additional information, attend meetings and offer opinions about the recommendation will by important for decisions regarding the student's program.

The **Student** - If appropriate, a student may attend COH meetings to develop the recommendation. However, careful consideration should be given beforehand.

Committee on the Handicapped - Members of the Committee on the Handicapped meet to review evaluation reports and develop a recommendation. All mandated members must be involved, including the physician if his or her presence is requested. In addition to mandated Committee members, the Board of Education may have appointed other

persons to serve on the Committee. The participation of all members provides a wide range of viewpoints and expertise.

The **Teacher** - The student's teacher must attend meetings when the recommendation is being developed. The participation of the teacher provides the COH with firsthand knowledge of the student's strengths and weaknesses in the school environment. For initial placement in special education, the teacher may be the current regular education teacher or a teacher qualified to provide special education in the area of the student's suspected disability. For a student already receiving special education, the teacher would be a special educator currently instructing the child. If the child is not in school, the district may designate which teacher should attend.

Representatives from other agencies - If it is anticipated that the student will attend an agency or school outside his or her home school district, or if the student resides in a facility operated by a State department or agency, a representative of that agency or school is given the opportunity to participate in the process.

Other school personnel - Other persons designated by the school may attend COH meetings. Such persons may include related service providers, school nurses, administrators, guidance counselors or other appropriate teachers.

Other persons invited by the parents - Parents may invite others to accompany them to COH meetings. Such persons may be helpful in presenting information, providing support during the meeting, and assisting in the decision-making process.

How and When Is the Recommendation Made?

The Committee on the Handicapped must develop an initial recommendation within thirty school days of parental consent to evaluation or within forty school days of receipt of referral, whichever is earlier.

In formulating its recommendation, the Committee on the Handicapped, parents and others will discuss the evaluation and any additional information that has been submitted. They will decide if the student has a handicapping condition that adversely affects his or her educational performance.

The following list describes, in general terms, the classifications used in specifying a student's handicapping condition. More exact definitions can be found in Section 200.1(cc) of the Regulations of the Commissioner of Education.

Classifications of Handicapping Conditions	Characteristics of the Handicapping Condition
Autistic	Autism is a behavioral disorder which may occur in children of all levels of intelligence. There is usually difficulty responding to people, events and objects. Responses to sensations of light, sound and feeling may be exaggerated and delayed speech and language skills may be demonstrated. These difficulties are usually observed before two and one-half years of age.
Emotionally Disturbed	Such students may have behavior difficulties over a long period of time and to such a degree that they are unable to do well in school. The reason the student is not doing well in school cannot be explained by intellectual, sensory or health factors. The student may be unable to build satisfactory relationships, may be generally unhappy or develop physical symptoms or fears associated with his or her school or personal problems.
Learning Disabled	These students have a disability in receiving, organizing or expressing information. They may have difficulty listening, thinking, speaking, reading, writing, or doing arithmetic and this results in a severe discrepancy between school achievement and the expected level of achievement. A learning disability is not primarily due to a physical, mental or emotional handicap or to environmental, cultural or economic factors.
Mentally Retarded	These students learn at a slower rate because of a significantly lower level of intelligence. They usually have delayed language and/or motor development and seem unable to learn new skills as quickly as those of the same age group.
Deaf	A student who is deaf has a loss of hearing so severe that it precludes effective use of the sense of hearing. The severity of this hearing loss usually necessitates the use of specialized training, either with speech sounds and/or sign language, to learn how to communicate.
Hard of Hearing	A student in this category has a hearing loss which may or may not be permanent, and has some sense of hearing either with or without an aid. However, the student may need specialized instruction for the effective use of the remaining hearing. He or she may have difficulty following instructions, discriminating speech sounds, or have speech and/or language difficulties, as well as frequent middle ear infections.

Classifications of Handicapping Conditions	Characteristics of the Handicapping Condition
Speech Impairment	These students have a communication disorder demonstrated by an inability to correctly produce speech sounds, difficulty in understanding or using words or sentences, or the presence of stuttering or a voice impairment. When any of these situations exists to the degree that the child's educational performance is affected, special education may be required.
Visual Impairment	Such students may be partially sighted or blind. If the student has some functional sight, the student is considered as partially sighted. This student may be able to learn to read regular print with glasses or to read special books that are printed with large type. Blind students may require special braille equipment and reading materials.
Orthopedically Impaired	Students in this classification are physically handicapped and their educational performance is affected due to conditions such as cerebral palsy, amputation or fractures or burns which cause permanent disability.
Other Health Impaired	Some students have limited strength, vitality, or alertness due to chronic or acute health problems. These problems may include a heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, tourette syndrome, hemophilia, epilepsy, lead poisoning, leukemia or diabetes.
Multiply Handicapped	Some students have two or more primary handicaps, such as deafness and blindness, or emotional disturbance and hearing impairment. The combination of these conditions causes educational problems which may only be met through a special education program designed to assist both disabilities.

The above classifications help the COH to decide if a student is **ineligible** or **eligible** for special education programs.

Ineligible - If your child is not eligible, that is, the difficulties are not the result of a handicapping condition which adversely affects educational performance, the Committee sends a copy of appropriate evaluation results to the building administrator. This information is used to establish or

coordinate other types of programs for your child within regular education. The COH will also notify you and submit its recommendation to the Board of Education. The reasons for the determination will be included. You have the right to disagree with this initial determination or ask any pertinent questions concerning the recommendation. If agreement cannot be reached, you may request an impartial hearing. In most cases, if you are involved throughout, the recommendation of the COH is not surprising and minor disagreements are easily resolved.

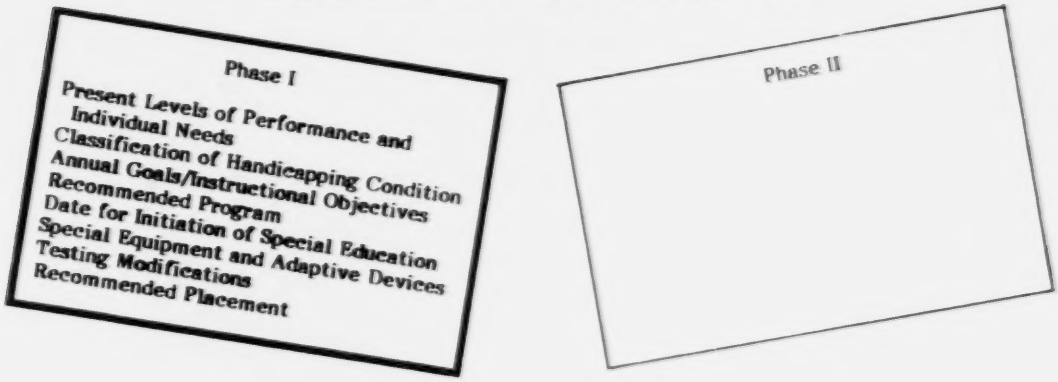
Eligible - If your child is determined to be eligible for special education, the Committee on the Handicapped will develop an Individualized Education Program (IEP). This part of the IEP (Phase I) will be sent to you with the notice of the COH recommendation. The recommendation notice will include a request for your initial consent. You have the right to agree or disagree with the COH determination. The recommendation can not be implemented without your approval, if the student is being placed in a special education program for the first time.

Preparing the Individualized Education Program (IEP)

The **Individualized Education Program** is extremely important because it is the basis for instruction. It is used to document and review progress toward meeting student needs. The IEP summarizes your child's current skills and abilities, establishes educational goals and objectives for the school year, describes programs designed to meet these goals and lists ways to periodically check the progress of your child. School districts develop their own IEP forms, but the content is specified by regulation. In New York State, the Individualized Education Program is divided into two phases. The first phase is developed at a Committee on the Handicapped meeting and the second phase is developed at a planning conference with the teacher. Parent involvement is helpful for both phases.

The following information is included in your child's **Phase I IEP.** As a parent, there is much you can add. You have firsthand knowledge of your child's abilities. Sharing this information is an important contribution.

INDIVIDUALIZED EDUCATION PROGRAM



- **Present Levels of Performance and Individual Needs:**

  The COH determines individual needs based on present performance in school and the evaluation results. Performance levels and needs are indicated in the areas of academic achievement and learning characteristics, social development, physical development and management needs. This information provides an overview of functioning, potential, preferences, strengths and weaknesses. It also provides data which help in grouping your child and students with similar needs.

- **Classification of Handicapping Condition**

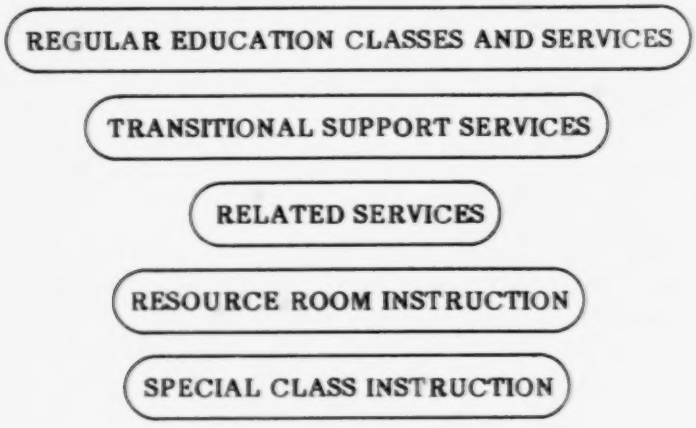
  The COH determines the classification by analyzing test results and observations in comparison to New York State definitions. These classifications are used to determine eligibility for special education.

- **Annual Goals/Instructional Objectives**

  Annual goals describe what the student is expected to accomplish in a year's time. The goals correspond to the student's academic, social, physical development and management needs. For students entering special education for the first time, instructional objectives and evaluative criteria are developed at the COH meeting for use during the first thirty school days of instruction.

- **Recommended Program Including the Extent of Participation in Regular Education and Class Size**

  Each school district must offer a variety of programs and services to meet the differing needs of students with handicapping conditions. This is often called providing a **continuum of services.** Fiscal or staffing problems do not govern service and program availability. A range of programs must be provided to allow equal opportunity for instruction in the least restrictive environment. The following range of programs and services must be available:



The components of the **continuum** can be selected and recommended in whatever combination is appropriate for the individual student and his or her needs. An expanded description follows.

Regular Education Classes and Services

Regular education classes and services are recommended for many handicapped students. Attending programs in regular education is sometimes called mainstreaming. It means that a given class or service in regular education is appropriate for student needs. For example, your child's abilities in math may be appropriate for instruction in regular education. However, this class may be part of a total program that includes other services in special education. Implementation of least restrictive environment ensures that this type of programming occurs and is indicated on the IEP.

Transitional Support Services

Transitional support services such as consultation and/or training may be provided to staff who work with students with handicapping conditions as they move into a less restrictive setting. Although transitional support services are provided to the student's teacher(s), the benefit extends to the student as well. Transitional support prepares the way for change and enables a supportive environment.

Related Services

Related services are provided in conjunction with academic classes to assist students with handicapping conditions in their total education program. A related service differs from special class, regular class or resource room in that the goals and objectives of the service deal with knowledge, and skills not typically included in subject area curriculum. These special skills are nonetheless needed for the student to benefit from classroom instruction. Appropriate specialists provide these services based upon the student's individual needs as specified in the IEP. Related services include speech therapy, audiology, psychological services, physical therapy, occupational therapy, counseling services and other support services. Type, frequency and duration of service is included on the IEP.

Resource Room Instruction

A resource room program provides individually designed instruction for students with handicapping conditions who participate in regular or special classes, but who require **supplementary** reinforcement to benefit from those classes. Supplemental instruction may be provided in the resource room for three or more hours of the school week. The resource room program may

supplement instruction in regular or special education classes for up to fifty percent of the instructional day. Instructional groups in the resource room cannot be larger than five. The resource room teacher, in cooperation with classroom teachers, provides individually designed instruction to maintain or improve academic performance in other areas. The amount of time, the frequency and the type of instruction is indicated on the IEP.

Special Class Instruction

Special class instruction, if needed, must be provided on a daily basis and must include content in core (or primary) subject areas. Daily time in a special class is indicated in the IEP. There are four class size options for special class recommendations:

a) 12 students with one teacher
b) 12 students with one teacher and one paraprofessional
c) 6 students with one teacher and one paraprofessional
d) 12 students with one teacher and an additional adult for every 3 students in the class.

Students must be grouped together for special class instruction based on similar individual needs. They may have the same handicapping condition or differing handicapping conditions but their individual instructional needs must be similar. Grouping by needs is based on levels of academic or educational achievement and learning rate, levels of physical and social development, and management needs of the students in the classroom. Students are generally grouped within a three-year Math and Reading range. For students in class options a) and b), a written description of classes with a wider range is required. This information is discussed with you and included in written notification from the COH.

- **Projected Date for Initiation and Amount of Time of Special Education and Related Services**

  This section of the IEP includes the date that the recommended program is expected to begin and how often services will be given. The frequency and duration of services included on the IEP can not be altered at the building level without COH review.

- **Specialized Equipment and Adaptive Devices**

  Modifications within the student's environment may be recommended in the IEP if required for the student to benefit from the program. This might include desk or chair adaptations, braille materials, auditory equipment, typewriter, slant boards or other such devices.

- **Testing Modifications**

Testing modifications are provided to students with handicapping conditions to give equal opportunity for demonstrating acquired skills that may otherwise be impeded by the manner of testing. The needed techniques are determined by the COH and must be on the IEP. The school principal ensures that testing modifications which are indicated on the IEP are used consistently on statewide tests and examinations. Routine use of testing modifications in regular and special classes does not require principal authorization but must be indicated on the IEP. Examples include extended time limits, tape recording, alternate location, projects, demonstrations, etc.

- **Recommended Placement**

Individualized Education Programs are provided in various types of settings or placements. **Placement** is the location that has been determined to be the least restrictive environment for a given student.

The public school in your neighborhood is a frequent placement, but several other education settings exist and also offer programs for handicapped students.

Local Public School District — often provides some or several types of special education programs. The size of the district and the number of students with handicapping conditions usually determine the extent of special education. Smaller districts, although still responsible for students identified as handicapped, may contract with other districts or agencies to obtain necessary programs and services for them.

Neighboring Public School District — as mentioned above, some specialized services are not offered in every district. The local public school is responsible for arranging participation in necessary programs and services in neighboring districts if nothing comparable can be provided within your district of residence.

Boards of Cooperative Educational Services (BOCES) — provide a variety of vocational and special educational programs and services. Local public schools may contract with BOCES in conjunction with neighboring districts. BOCES supervised programs may be located in a central BOCES facility and/or may be housed in your local public school.

Home/Hospital Settings — Some students with handicapping conditions need temporary instruction at home or in a hospital setting due to severe illness or special circumstances indicated on the IEP. Instruction must be for a minimum of five hours per week at the elementary level and ten hours per week at the secondary level. The instructional program provided should, as with any handicapped student, be appropriate for the student's needs and revised as necessary.

Special Day Schools — In this type of setting, special education is the focus of the total school and the participation of nonhandicapped children is infrequent. Large public school districts may have schools staffed especially for children with handicapping conditions. There are also private schools that exist for the purpose of providing special education as the total program.

Residential Schools — Private and public agencies operate educational programs for handicapped children that include live-in or residential components. Public schools may recommend services in this type of setting, if appropriate, and if the school is approved by the State Education Department. There is a list of approved schools for in- and out-of-state settings. Contracts with private residential schools must be approved by the Commissioner of Education.

All placements are available but the COH will recommend the appropriate program and location based on consideration of **student needs in the least restrictive environment.**

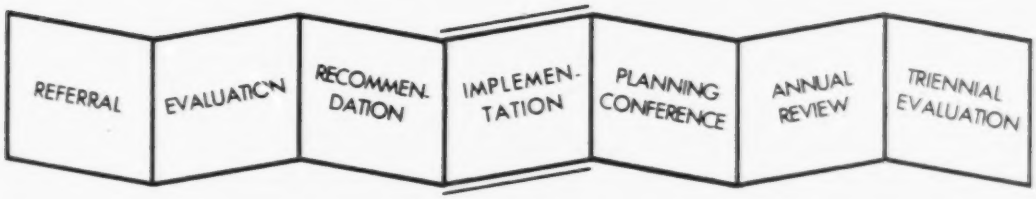
When Is the Recommendation Made?

The Committee on the Handicapped must notify you regarding recommendation within thirty school days after initial consent is received or forty school days from receipt of referral, whichever is earlier.

Parental Assurances

During the recommendation step the involvement of parents continues to be important. Your opportunity for involvement is assured through:

- Receipt of a notice of the meeting to develop the recommendation. This notice includes all of your due process rights. Particularly important are your rights to attend the meeting, to request the physician's attendance, to bring others to the meeting and to ask for an interpreter, if necessary.
- Arranging the date and time of the meeting to be mutually convenient.
- The opportunity to participate in other ways if you are unable to attend (telephone call, written report, etc.).
- Submitting additional information for consideration and making suggestions for the IEP.
- Providing or withholding consent for the recommendation for initial placement in special education based on your added knowledge and judgment of your child's needs.



STEP 4 - IMPLEMENTATION: ARRANGING FOR PROGRAMS AND SERVICES

What Is Implementation?

The **Notice of Recommendation** which is sent to you by the COH asks for your consent to the COH determination if your child is being placed in special education for the first time. If you give consent and if the Board of Education approves the COH recommendation, arrangements are made which initiate programs and services described on the IEP. Arranging for programs and services may take up to thirty school days, but must not take longer. Your prompt response to the recommendation helps to keep the process within the legal timelines.

During this time, the COH will coordinate scheduling, transportation, assignments for staff and any special arrangements for your child's program. Any arrangements to change and add to your child's program must be described by the COH on the IEP.

Who Is Involved?

The people involved in making arrangements depends upon the types of programs and services recommended. In general, those commonly involved during the implementation include:

Parents. Your consent to an initial placement is required before the child's program can be provided. It is important that you are fully informed about the program, have had an opportunity to discuss the program with the Committee on the Handicapped and are in agreement that it is appropriate for your child's individual needs. You are the one person who has been involved in the process from the beginning. You will continue to be the constant factor. Your continued involvement at the school ensures that the IEP is carried out as agreed.

Student. Changes in the school program may affect your son or daughter in some way. Support and preparation of students as they move into their new programs help their readiness and acceptance.

Committee on the Handicapped. The Committee on the Handicapped is responsible for arrangements necessary to implement the program. The Committee arranges for your agreement or responds to your questions and disagreement.

The COH also submits the recommendation for Board of Education approval and coordinates subsequent planning for recommended instruction.

Building Administrators. Administrators in the school are responsible for coordinating the details of scheduling. They manage the special education programs, supervise personnel who provide instruction, facilitate home-school communication and provide support to students and teachers.

Transportation Personnel. If transportation arrangements are necessary, transportation staff are involved to schedule changes that mesh with the student's program and placement. Special transportation, if needed, is also arranged during this period.

Representatives from other Agencies. If the child's program involves other agencies, representatives of those agencies or schools are involved with the details for program implementation. Coordination with representatives of other facilities assures that the student receives designated services.

When and How Does Implementation Occur?

The student's program must be provided within thirty school days of the receipt of the recommendation of the Committee on the Handicapped by the Board of Education. Implementation occurs through the cooperative efforts of all involved in initiating programs and services. An organized process helps this step to go smoothly and effectively.

What Should A Parent Consider About The Individualized Education Program?

When a student is placed into the recommended program, the IEP becomes the working tool for providing the education in the appropriate setting. It is used as a plan and as a measure of the effectiveness of the program. To address a student's specific needs, certain factors within elementary and secondary education are important to consider during initial implementation and during continuation of the program. These factors influence the implementation of special education programs and should be clarified to your satisfaction and to your child's benefit.

Educational Considerations

Factors	Reason for Consideration
Curriculum	For the most part, curriculum content taught in special education should be equivalent to the content in regular education. Most students with handicapping conditions are able to accomplish the goals and objectives of this curriculum. Special education is designed to modify or adapt teaching materials and strategies so this can occur. Children with severe handicaps will be provided with specialized curriculum to the extent needed for progress.
Grouping by Similarity of Need	Students are often grouped together in special education for instruction. When this takes place the curriculum and instruction provided to the group must be consistent with the individual needs of each student. However, the instruction required to meet individual needs should not consistently detract from the instruction provided to others in the group.
Scheduling	Flexible scheduling allows student needs to be met. Special education should be coordinated with other programs and services offered during the school day. Scheduling should be carefully considered so that the student's program does not become fragmented or too interruptive. Also, opportunities for the student to participate in art, music, and other special subject areas must not be denied.
Testing and Remedial Programs	Handicapped students should be provided every opportunity to participate in elementary testing programs that identify achievement and performance levels necessary for minimum competency in New York State. PEP tests and subsequent remediation should be administered in special education or regular education classes, whichever is appropriate. This practice is essential for high school preparation for students with handicapping conditions. Remediation and practice allow easier acquisition of skills needed to attain a diploma. Exemption from testing programs is allowable for severely handicapped students but such exemption is not needed for most handicapped children.

Factors	Reason for Consideration
Alternative Testing Techniques	Alternative testing may be very important in assisting your child to demonstrate knowledge and skills without being limited by his or her handicapping condition. The use and type of alternative testing techniques must be described on the IEP. Alternative testing is important throughout the school program, but takes on particular significance when the student is taking statewide tests such as Regents Competency Tests or Regents Examinations. Achieving such standards is very important for the attainment of a diploma.
Extracurricular Activities	Schools offer many extracurricular activities to support and supplement the basic program. Handicapped students must be provided the opportunity to participate in all school-related activities. This may range from field trips and clubs to special events after school.
Second Language Instruction	Students, starting with the class of 1992, will be required to have at least one unit of instruction in a second language some time during grades K-9. This requirement will increase to two units for the class of 1994. However, a student who has been determined to be educationally handicapped by the COH may be exempted from this requirement. An exemption should be carefully considered along with the student's interest and ability. If the student is interested and capable, he or she should not be denied an appropriate opportunity for instruction.
Computers and Adaptations	Familiarity with computer skills and operation is necessary for future preparedness and independence. Students in special education classes are expected to have access to and acquire skills in computer use. Special devices and applications for students who are orthopedically or sensorially impaired should also be available, as recommended by the COH. The use of computer technology may lessen the interference of a disability.

Factors	Reason for Consideration
Transportation	Suitable transportation must be provided to students with handicapping conditions. Transportation recommendations indicated on the IEP are based on: - the child's ability and tolerance in transit - the need for assistance of a wheelchair lift or other adaptations - the need to be physically assisted on or off the vehicle - the need for aides/monitors to provide individual assistance.
Suspension	Any student's right to attend school may be suspended if it is determined that student is insubordinate or disorderly or that the student's presence at school would be dangerous for that student or for others. A school principal, if authorized by a board of education, may suspend a student for up to five days, but must, on request, give the student and person in parental relation the opportunity for an informal conference. A student may not be suspended by a board of education or superintendent of schools for more than five days without being afforded the right to a hearing. Although a handicapped student is not immune from disciplinary measures, school authorities must establish that the student's misconduct is not simply a manifestation of the handicapping condition. Disciplinary measures which constitute a change of placement require the recommendation of the COH and approval by the Board of Education.
High School Diploma	There are two requirements for a New York State high school diploma: 1) a student must pass Regents competency tests and 2) successfully complete approved, credit-bearing courses of study.

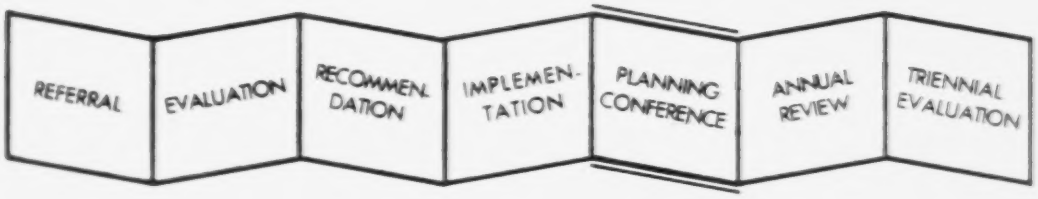
Factors	Reason for Consideration
	Most students with handicapping conditions can be expected to receive a diploma if careful planning begins in elementary school and continues at the secondary level. Parents should ask about the following when children approach junior high school: • When will my child be taking the Preliminary Competency Tests? • When will my child be receiving necessary remediation to prepare for Regents Competency Tests? • If my child fails the Regents Competency Tests, when will the tests be given again? How can my child prepare for the next attempt? • Is my child receiving credit in special or regular classes? • How many credits are needed for a diploma? • Will my child need to stay beyond age 18 to receive a diploma? • How can I help prepare my child for future employment opportunities? Asking these types of questions throughout school years will assure early planning and allow adequate time to complete required courses and testing.
Certificate	Students with handicapping conditions are eligible for a high school certificate, regardless of the particular handicap. The certificate is not a diploma and does not end free instruction if awarded before age 21. Some students are eligible after completing 13 years of school, excluding kindergarten. In some cases, students who function within a retarded range may be awarded a certificate at age 16. The certificate is awarded based on the goals and objectives of the Individualized Education Program.
Occupational and Vocational Education	Courses in occupational areas provide students with skills for employment in specific vocations. Planning for these programs should begin as early as possible. Scheduling problems should not prevent student participation in appropriate courses.

Factors	Reason for Consideration
Summer Programs for School-Age Students	A variety of agencies provide summer school programs for handicapped students. These programs may be recreational as well as instructional. Transportation and tuition for these programs are provided by submitting a petition to Family Court. More information may be obtained through local school districts.
Preschool Programs	School districts are not required to provide services to handicapped children below the age of five. However, many parents have been able to access preschool special education services by petitioning the Family Court within their county of residence. For information concerning local petitioning procedures and preschool programs, contact your local Early Childhood Direction Center.
Extended High School	All students have the option of staying in school until age 21 if they have not yet received a diploma. If a student turns 21 on or after September 1, he or she may continue to the end of that school year. These additional years may help some students to attain a diploma by allowing more time for preparation.

Parental Assurances

During implementation, due process rights discussed in previous sections are maintained. Parents may contact the COH, request a review of the program or reconsider consent. The following due process rights are in place:

- Parental consent is required before the COH recommendation for initial placement can be implemented.
- Notice of Board decision regarding the COH recommendation must be sent to parents.
- Programs and services must be initiated within thirty school days of the recommendation unless an impartial hearing is requested by parents.



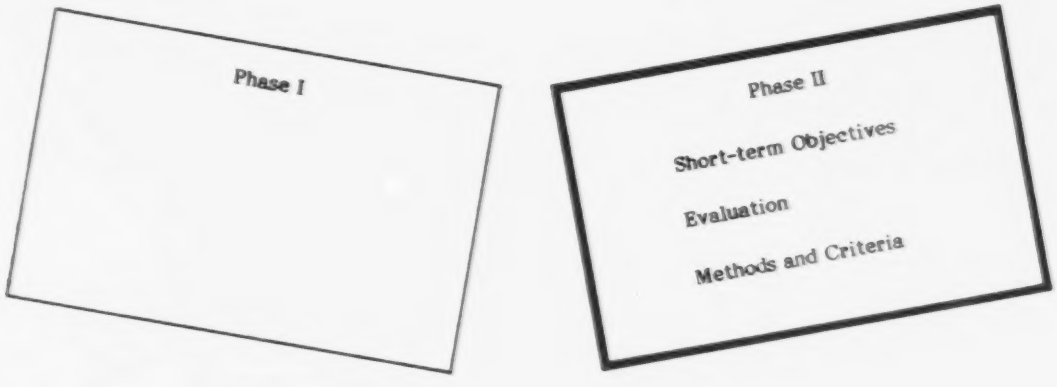
STEP 5 - PLANNING CONFERENCE: PHASE II OF THE IEP

What Is the Planning Conference?

If your child is eligible for special education, the first phase of the IEP is developed at the recommendation step. **Phase II** of the IEP is developed in a planning conference with the teacher and several others.

The planning conference is scheduled within thirty school days of your child's entry into the program. This gives you and the teacher ample time to observe your child's reaction to the instructional program. At the planning conference, short-term objectives and methods to evaluate objectives are developed and discussed. Phase II then becomes the teacher's guide for day-to-day instructional approaches which help to accomplish your child's annual goals. Phase I and Phase II of the IEP provide an individually designed plan that is generally formulated (Phase I) and specifically enacted (Phase II). The initial planning conference begins a yearly cycle that ensures appropriate goals and objectives for your child's educational progress.

INDIVIDUALIZED EDUCATION PROGRAM



Phase II includes:

- Statements of short-term objectives consistent with the annual goals in Phase I. These objectives describe daily, weekly or monthly activities for your child. Objectives are developed for each special education program and service.

- Evaluation procedures and criteria for determining if objectives are being met. The short-term objectives are measured in various ways to determine the effectiveness of the approach and the instructional plan. If progress is not occurring or if certain goals and objectives are achieved, the IEP is adjusted accordingly.

If you take advantage of the opportunity to attend the planning conference, you will help the teacher develop and discuss specific components of the instructional program.

Who Is Involved?

Parents—Parents receive a notice about the conference before it takes place. Your attendance at this conference is very important. It provides you with an opportunity to continue the cooperative partnership and discuss, in detail, the expectations and methods of the program.

Student—If appropriate, the student may attend the planning conference. If the student is eighteen or an emancipated minor, the decision to attend the meeting rests with the student. Otherwise, you may request that your child participate.

Student's Teacher—The student's teacher coordinates this conference. The teacher has a major part in the IEP, ensuring that the objectives are appropriately implemented and instruction is consistent with these objectives.

Member of the Evaluation Team—When a student receives special education for the first time, a person familiar with his or her evaluation must attend this conference. You are thus given another opportunity to ask questions regarding evaluation and classroom performance.

Other Individuals—Both parents and the school may invite additional persons to the conference. Others provide additional input for developing objectives in various classroom performance.

Supervisor or Provider of Special Education—A person, who is qualified to supervise or provide special education is given an opportunity to attend the first planning conference. A supervisor or provider of special education must attend each subsequent planning conference. This person attends in addition to the student's teacher.

A Representative of the School District or Agency Responsible for Phase I—Some students are placed in a school or agency apart from the district which developed Phase I of the IEP. In these cases, a representative of the district responsible for Phase I is given the opportunity to attend.

When Does the Planning Conference Occur?

The planning conference must occur no later than thirty school days after the student begins the approved special education program. It is held at least annually, thereafter, to update and revise short-term objectives and evaluation methods.

Parental Assurances

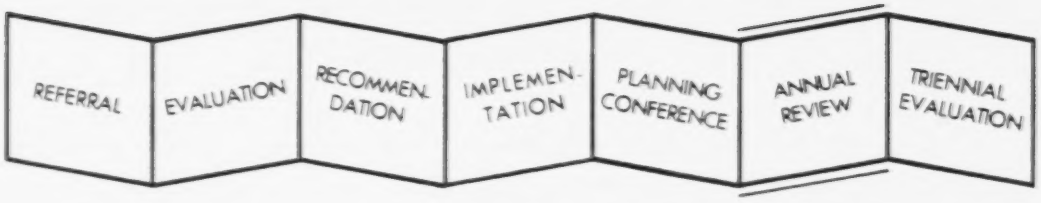
During the Planning Conference step, parent and student rights are maintained. Included are the following:

- A notice must be received by the parent or legal guardian at least five days prior to the proposed date of the conference. The notice must state the time, location and date of the conference and the right to be accompanied by others.

- Arrangements for the meeting may be reconsidered so that you can attend. If a mutually convenient time is not possible, then you may participate in other ways such as telephone conversations, conference calls or letters.

- If the type of program or service needs revision or change, you may request a COH review of the IEP. The COH then makes a recommendation which must be agreeable to you and approved by the Board of Education.

- If a translator or interpreter for the deaf is required for the planning conference, one must be provided at no expense to the you.



STEP 6 - ANNUAL REVIEW: UPDATING THE PROGRAM

What is the Annual Review?

Each IEP must be reviewed annually by the COH to determine whether the existing program is appropriately meeting the student's needs. During the annual review, the Committee on the Handicapped and others discuss yearly progress and make recommendations to continue, change or terminate the program. Those attending the meeting review the IEP and other current information about the student's performance. Based on this, the Committee will revise the IEP, as needed, and make a recommendation to the Board of Education.

A yearly review ensures that the program meets the student's current needs. However, a COH review may be requested prior to the annual date if a change or modification is needed.

Who Is Involved?

The participants in the annual review are similar to those in the initial Phase I IEP meeting.

Parents. You are notified of the annual review by the COH. At this time, your involvement is especially helpful because your participation has been consistent. You can ensure that information is not omitted and provide important background regarding the child's history and progress. Teachers and school settings change, but your concern and support remains a constant influence.

Student. The participation of the student at such meetings is at the discretion of the parents. Students who are 18 or emancipated minors may choose to attend on their own behalf.

Committee on the Handicapped. The Committee on the Handicapped or subcommittee conducts the annual review. The mandated members of the COH must be in attendance. The physician's attendance must be requested at least seventy-two hours prior to the meeting, if his or her presence is desired.

Others as Invited by the Parents. Parents may ask others to accompany them to the annual review.

Student's Teacher. The student's teacher must attend the annual review to provide current information, convey first-hand knowledge of the student's performance, and clarify any information or questions concerning the program.

Representatives of Other Agencies. If the student participates in a special education program outside of the local school district or in a facility operated by a State department or agency, a representative of that agency has the opportunity to attend the annual review.

How Does the Annual Review Occur?

The projected date of the annual review is specified on Phase I of the IEP. The date of the first review must be within one year of the student's entrance into special education. Prior to each annual review, the Committee on the Handicapped must notify the parents of its intent to review the student's program and inform them of the date, time and place of the meeting.

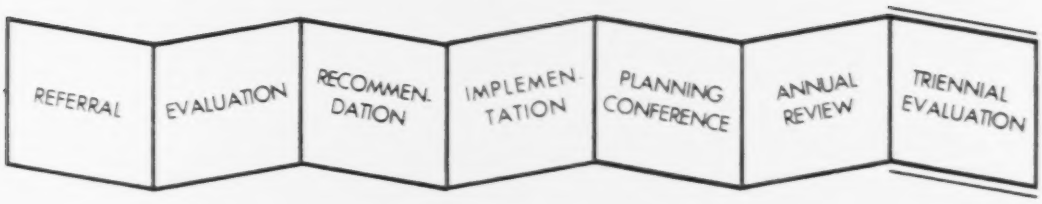
The Committee on the Handicapped and those attending the meeting will review the student's Individualized Education Program to determine its continued appropriateness. Following the review, the parents are notified of the recommendation to continue, modify or change the student's program. The Board of Education will also receive the recommendation from the Committee on the Handicapped and make its determination regarding approval of the recommendation.

Parental Assurances

The annual review continues the cycle for programs, services and due process rights. As a parent, you may request a COH review at any time to discuss changes or concerns.

The following due process assurances are maintained:

- Your right to be fully informed and participate. Parents receive the following notices regarding review:
  - Notice that a review is scheduled
  - Notice that a recommendation has been made
  - Notice of Board of Education decision regarding the recommendation
- You have the right to request an impartial hearing if parent/school agreement cannot be reached.



STEP 7 - TRIENNIAL EVALUATION: UPDATING TESTS AND EVALUATIVE INFORMATION

What Is A Triennial Evaluation?

An evaluation occurs every **three** years to provide current assessment information on students in special education. It provides updated information on many of the areas tested in the initial evaluation. The purpose of this reexamination is to determine individual needs and continuing eligibility for special education.

Who Is Involved?

Physician—provides updated information in the areas of physical, social and emotional development. The report may also include other information that is related to the student's handicapping condition.

School Psychologist—provides updated information on the student's educational achievement, and social, physical, and emotional development. Many of the areas assessed during the initial evaluation are retested to provide comprehensive and current information.

Other Qualified Personnel—provide input to address any outstanding concerns or questions. Additional teachers, speech therapists, social workers, guidance counselors, occupational therapists, physical therapists or vocational counselors may be involved in the triennial evaluation.

Committee on the Handicapped—reviews and discusses the information gathered from the reexamination and makes a recommendation based upon this information.

Parents—attend the meeting to discuss any new information provided by the reexamination.

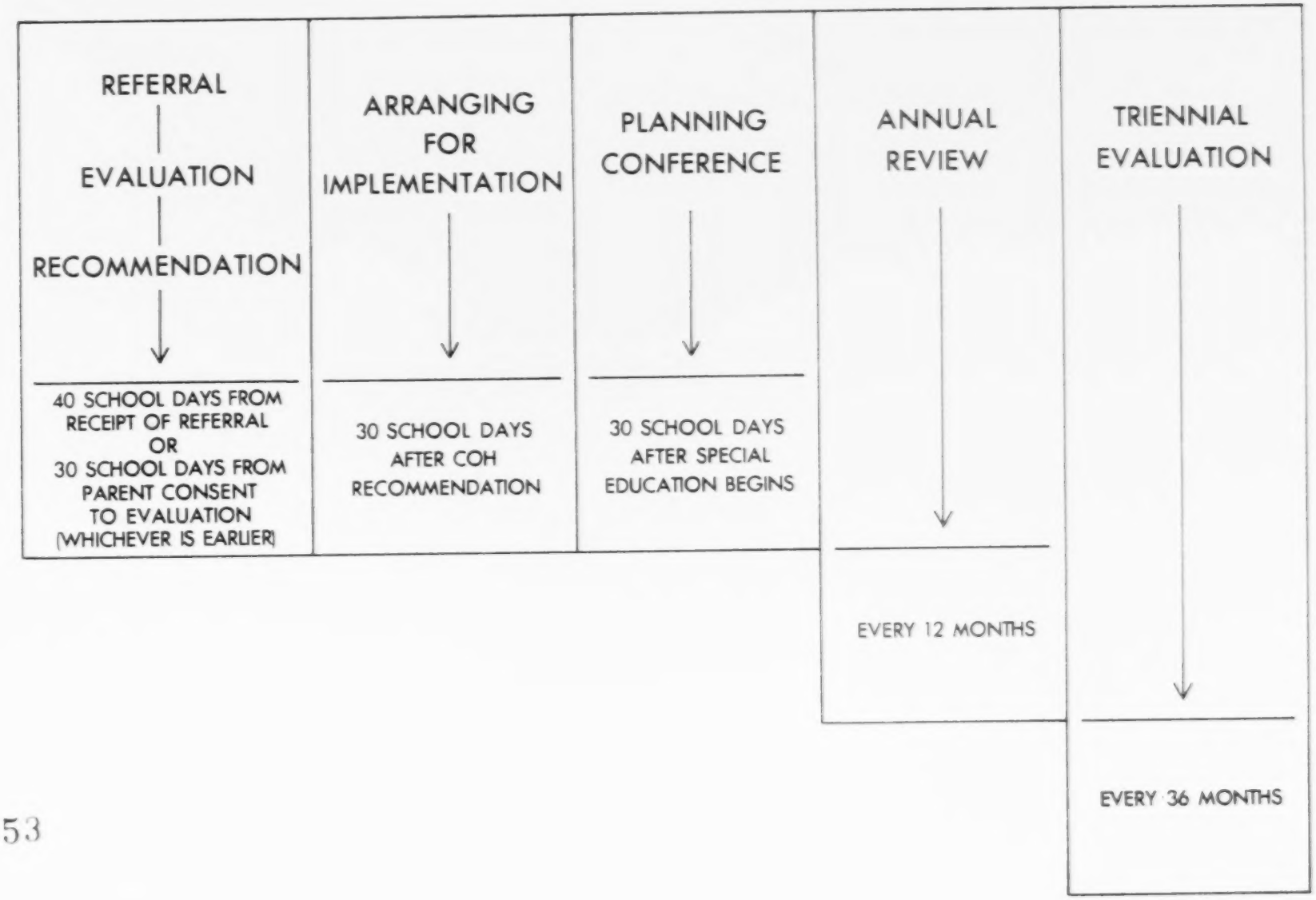
When Does Triennial Evaluation Occur?

The triennial reexamination must be conducted within three years of the initial evaluation and every three years thereafter until the student no longer receives special education.

Parental Assurances

All the due process rights described in previous sections are maintained. Parents should also remember that a COH review can be requested at anytime. If there is a reason to believe that the current evaluation is inappropriate, you may request a review to discuss the need for new or additional testing.

THE SPECIAL EDUCATION PROCESS


REFERRAL
EVALUATION
RECOMMENDATION
40 SCHOOL DAYS FROM RECEIPT OF REFERRAL OR 30 SCHOOL DAYS FROM PARENT CONSENT TO EVALUATION (WHICHEVER IS EARLIER)
ARRANGING FOR IMPLEMENTATION
30 SCHOOL DAYS AFTER COH RECOMMENDATION
PLANNING CONFERENCE
30 SCHOOL DAYS AFTER SPECIAL EDUCATION BEGINS
ANNUAL REVIEW
EVERY 12 MONTHS
TRIENNIAL EVALUATION
EVERY 36 MONTHS

DUE PROCESS

Due process describes procedures used to protect your child's right to a free appropriate public education. Due process is an integral part of special education decision-making for your child.

The due process assurances discussed in previous sections may be summarized in five simple paragraphs:

- **Your Right To Be Fully Informed.** You must be adequately notified and informed of your rights in the educational decision-making process and any proposed actions.
- **Your Right To Be Knowledgeable About the Actions To Be Taken.** You must be formally notified of proposed actions, their purpose, the intended results, any decisions based on the actions and the options considered in the process.
- **Your Right To Participate.** You have the opportunity to participate in the determination of decisions through attendance at meetings, and through other involvement that ensures consideration of your point of view.
- **Your Right To Challenge.** You have the right to challenge school decisions regarding your child. You have the right to request an impartial hearing to challenge decisions or resolve differences. You have the right to enlist the support of counsel or others knowledgeable about special education throughout the hearing.
- **Your Right To Appeal.** You have the right to appeal the decision of an impartial hearing officer to the Commissioner of Education, and to seek judicial review of the Commissioner's decision regarding your appeal.

What Is An Impartial Hearing?

An impartial hearing is a formal procedure used to resolve conflict between parents and school districts over the provision of special education. You may choose formal due process procedures to challenge recommendations and decisions made by the school district. Similarly, in order to fulfill its responsibility to provide your child with a free appropriate public education, the school district may choose due process procedures under certain circumstances. The impartial hearing has been established as a mechanism to fairly hear both sides of the issues and resolve the dispute through a third party.

Whether the request for hearing is from parent or district, the Board of Education arranges for the location of the hearing and appoints the hearing officer from a list of persons on file. Impartial hearing officers may not be employed by the district.

The impartial hearing is conducted somewhat like a court proceeding. It may be conducted in a session open or closed to the public. This decision is up to the parents. The impartial hearing process includes:

- the prior exchange of documents to be used during the hearing;
- calling of witnesses by the school district and the parents to provide information and respond to questions on the issue;
- verbatim record of the proceedings for future reference;
- rendering of an impartial decision by the officer.

The hearing provides both parties with the opportunity for presenting their argument to determine a fair resolution of the matter.

Who Is Involved At the Impartial Hearing?

Parents—You are involved throughout the impartial hearing process unless you choose otherwise. You may request the hearing, prepare your case, and help determine who attends the hearing. You decide whether the hearing is open or closed to the public.

Student—The student, in some instances, may attend the hearing to the extent deemed appropriate by the parent. An eighteen year old or emancipated minor may make his or her own decision regarding attendance.

Impartial Hearing Officer—The hearing officer is appointed from a list maintained by the Board of Education. Any person selected from the list must:

1) be independent and not be employed by the school district.

2) have no personal or professional interest that would interfere with his or her objectivity in the hearing.

3) not have participated in any manner in the formulation of the recommendations which have led to the disagreement.

4) be certified by the commissioner as a hearing officer.

The hearing officer must conduct a fair and impartial hearing and arrive at an independent decision based upon the evidence presented at the hearing.

Counsel for School District—A school district frequently employs an attorney to arrange and present its case at the impartial hearing.

Counsel for Parents—Parents also have the option to employ an attorney or counsel to assist them in organizing and participating in the hearing. However, an attorney is not required. Parents may enlist the help of an advocate or other persons to provide representation.

Witnesses—Both parties may request the presence of witnesses to provide information and respond to questions regarding the disagreement over provision of special education. Witnesses may include teaching staff, related service and support personnel, parents, neighbors, independent evaluators or others who have knowledge of the student.

Stenographer—A stenographer may be employed to record the proceedings. The record is used to prepare a decision following the hearing. A verbatim (word for word) record of the hearing must be made and be available to you and the school district.

Interpreter—The hearing officer will ask both parties about the need for an interpreter and make the necessary arrangements.

When Is An Impartial Hearing Requested?

Requests for Impartial Hearings By Parents

Parents may request an impartial hearing at any time to protect their child's interests. Some of the reasons for parental requests for a hearing are listed below. Requests usually occur after informal methods to resolve the issue have been exhausted.

- Disagreement with the recommendation of the COH or BOE determination.
- Failure by the COH to evaluate and recommend within thirty school days of consent.
- Failure to implement the COH recommendation within thirty school days.
- Failure to review, at least annually, the child's program or failure to reevalute the child every three years.
- Disagreement with the special education provided.

Impartial Hearings Initiated By the School District

The Board of Education is responsible for ensuring that a student with a handicapping condition receives a free appropriate public education. To fulfill its responsiblities in this process, the Board of Education must initiate an impartial hearing when:

- Parents do not consent to the initial evaluation and the referral has not been withdrawn by mutual agreement. The Board of Education must initiate an impartial hearing to obtain an evaluation despite the absence of parental consent to the evaluation.
- A school district challenges an independent evaluation at public expense.
- Parents do not consent to initial recommendation for special education.

What Occurs After the Impartial Hearing?

After the parents and the Board of Education have explained their respective positions to the hearing officer, the hearing officer must write a decision. A copy of the decision must be mailed to you and the Board of Education within 45 calendar days of the date that the Board of Education received your request for a hearing.

The hearing officer's decision will be based on what transpired during the hearing. It will include the reasons and the basis for the decision. The decision will also inform you and the Board of Education of the right to appeal the decision to the Commissioner of Education.

Appeal to the Commissioner of Education

The appeal to the Commissioner provides another level of resolution regarding the provision of your child's special education. The appeal is a legal process. Procedures for submitting an appeal are specific and must be followed exactly to avoid delay or dismissal. Although you are not required to have a lawyer, you should have detailed information on this process. This information may be obtained in a booklet entitled "Handbook I, Regulations of the Commissioner of Education Relating to Appeals and Other Proceedings Before the Commissioner." The booklet can be obtained by writing to:

New York State Education Department
Office of Counsel
Education Building
Albany, New York 12234

A general overview of the appeal process and required forms are included in the Parent Handbook, Part II of this guide.

The majority of conflicts are resolved informally or through an impartial hearing. However, it is important for parents to know that options are available to seek review of the issues at other levels. If all administrative procedures are utilized and parents still remain dissatisfied, court action can be initiated.

PLANNING AHEAD - WHAT COMES NEXT

It is an advantage to plan ahead as your son or daughter progresses through school. The COH is a valuable source of information and assistance for future planning. The Committee can provide you with information regarding services available to your child and advice on how to plan for particular arrangements.

Education law and regulations provide assurances that parents and students will have an opportunity to prepare and plan for the future. Part 200 of the Regulations of the Commissioner describes the procedures which Committees must follow to ensure that parents and students have an opportunity for planning.

According to these regulations, the COH is responsible for notifying parents of certain handicapped students, or the students themselves, when appropriate, that after age twenty-one or receipt of a high school diploma, the student will no longer be eligible for a free public education.

When handicapped students who are in special education one hundred percent of the school day reach the age of fifteen, and when handicapped students who are in residential schools reach the age of eighteen, the COH must send a notice to the parent or the student, when appropriate. The notice must indicate the date upon which the student will no longer be eligible for a free public education. The notice must also describe the parents' and student's opportunity for assistance from various State agencies in determining the student's need for adult services and the availability of such services.

Within the notice, the COH must seek consent from the parent, or student, when appropriate, for release of information to the appropriate State agencies. Parents, or the student, when appropriate, must be informed of the records to be released and must be given an opportunity to review the records. The parent must also have an opportunity to provide any additional information which is relevant. Finally, the COH must provide the parent or student assurances that all information released will remain confidential.

There are additional resources for planning which are available to these and other students with handicapping conditions who are not required to receive such notice. Factors to consider in planning and sources of assistance are described below.

Factors	Reason for Consideration	Sources of Assistance
Occupational and Vocational Skills	Early planning for job skills is extremely important. Occupational and vocational educators work closely with Committees on the Handicapped, students and parents to plan programs that will lead to success in occupational areas. Programs include coursework in fields of business, agriculture, health occupations, home economics, industrial arts, marketing, technology or trade and industry.	Vocational Assessment Centers Occupational and Vocational Counselors Office of Vocational Rehabilitation State Education Department BOCES Vocational and Technical High Schools Postsecondary Trade Schools Business and Industry

Factors	Reason for Consideration	Sources of Assistance
Continuing Education	Planning for future education should start in junior high school. Your child's Individualized Education Program should include educational goals which address postsecondary education, career education or pre-vocational training. Allowing adequate time to complete coursework, attending school beyond age 18, alternative testing techniques, equivalency of instruction, provision of adaptive equipment, and credit by examination are all important factors. Be familiar with graduation requirements. For postsecondary education, it is helpful to contact different schools to learn about types of programs. Many private and public colleges and universities provide financial and programmatic assistance to young adults with handicapping conditions. Public facilities such as postsecondary institutions must be fully accessible and can not discriminate on the basis of a handicapping condition.	Postsecondary Institution Local School District Administrators State Education Department Guidance Counselors Committee on the Handicapped
Employment and Independence	The attainment of necessary skills for employment is very important. Proper planning will help students make a successful transition from school to work Many programs offered through vocational high schools, Boards of Cooperative Educational Services (BOCES) and district programs provide vocational training. Other agencies provide assistance in making the transition from school to community living. Rehabilitation, counseling, job training, assistance with special rehabilitation expenses, physical and mental rehabilitation services, interpreters and job placement are available.	Vocational Counselors Guidance Counselors Office of Vocational Rehabilitation State Education Department Office of Mental Retardation and Developmental Disabilities, Local and State Departments of Social Services Council on Children & Families Community Agencies Business and Industry

Factors	Reason for Consideration	Sources of Assistance
Aging-Out	Severely handicapped students who are in full-time programs at the secondary level often need adult services when no longer eligible for a free public education. Parents must be notified that there are opportunities for services in other agencies and asked for their consent to release student information to these adult service providers. Such adult services could include day-treatment programs, residential care, sheltered workshops, recreational programs, respite care, and daily living skills. Appropriate planning for adult services lessens the chance for your child's progress to be interrupted when he or she leaves the educational system.	Office of Mental Retardation and Developmental Disabilities Office of Vocational Rehabilitation Council on Children and Families Department of Social Services Local School District
Financial Planning	Planning for wills, trusts, estates or Federal Benefits should be considered in advance to avoid later difficulty.	Office of Advocate for the Disabled Family Lawyer Community Agencies

PART II

Parent Handbook

Part I of the parent's guide provides information about the provision of educational programs for handicapped children. Part II provides ideas and suggestions to assist parents in becoming partners in the educational process. Included are checklists for your participation, sample forms and record keeping ideas and suggestions for parent-school communication. The final category in each section is a summary of due process assurances.

Suggestions for Your Participation

✓ Become familiar with school programs, facilities, and names of staff.

____ Acquaint yourself with the curriculum, textbooks and resources for your child.

____ Ask about extracurricular activities and transportation provided to participate in these activities.

____ Request teacher conferences, as needed.

Record Keeping Ideas

____ Maintain an ongoing file of your child that would include:

- health records
- letters from teachers or administrators
- test scores
- report cards
- conference cards

____ Collect samples of projects, awards and assignments which demonstrate your child's strengths.

____ Keep a list of frequently used phone numbers.

____ Keep an educational history including preschool.

____ Keep a list of important school dates on your calendar.

Due Process Assurances

____ Every child is entitled to a free public education from ages 5 through 21.

____ Parents can examine their child's school records and make copies at a reasonable cost.

MEDICAL INFORMATION

Name of Doctor	Address	Phone Number	Specialty	Additional Comments

Health Status:

- Date of last physical exam: _____
- Current Medications:

IMMUNIZATION AND DATES ADMINISTERED:				(Booster)	(Booster)	Allergic Reaction (?)
Diphtheria-Tetanus-Pertussis						
Oral Polio Vaccine						
Measles Vaccine						
Rubella Vaccine						
Mumps Vaccine						
Tuberculin Skin Test						

EDUCATIONAL HISTORY

Name of School	Name of Teacher	Location	Dates Attended	Additional Comments

Dates of School Conferences	Participants	Teacher's Comments	Your Comments

Names and Phone Numbers

Position	Name	Phone Number
Teachers:		
Principal:		
School Nurse:		
Chairperson of Committee on the Handicapped:		
Special Education Director		
Transportation Director:		
Building Administrator		
PTA Representative:		
Guidance Counselor:		
Social Worker:		
Other:		

THE SPECIAL EDUCATION PROCESS

Referral

Step 1

Suggestions for Your Participation

✓ Keep informed about your child's progress in school. Be aware of any difficulties and discuss them with your child and school staff.

___ When you are notified of a referral to the COH, contact the Committee chairperson to acknowledge receipt. Begin planning for the time and date of upcoming meetings.

___ Ask questions about the reasons for referral and the types of tests that are needed.

___ Ask to see the written referral or contact the referring person for further information and clarification.

___ If you think your child is handicapped, you may write a letter of referral to the school principal or COH chairperson. (Example on page 63)

___ Unless you disagree with the need for evaluation, sign and return the consent form as soon as possible.

___ If you would like to talk to a parent whose child is receiving special education, ask the Committee chairperson or the principal to put you in touch with other parents who have expressed an interest in sharing their experiences.

___ Read through the rights that are included in the Notice of Referral. Ask questions if you are in need of more information.

___ Gather, from your own files, material (reports, student's work) that may be useful during the evaluation and recommendation process. For example:

- Medical Information
- School records or reports
- Family History
- Your child's activities, interests and experiences

Additional Notes:

Record-Keeping Ideas

____ Record the date you received the Notice of Referral and save the notice.

____ Ask for and file a copy of the referral.

Due Process Assurances

____ A Notice of Referral is sent to you as soon as the COH receives a referral concerning your child.

____ The notice will include the reason for referral, a description of the proposed evaluation and will ask for your consent to evaluation.

____ You will be provided with information on your child's rights and the process for appealing proposed actions of the school.

____ All correspondence must be provided in a language that you understand.

Content of Notice of Referral

School districts have their own form for the Notice of Referral. However, the following information must be included in all such notices:

- A description of the proposed evaluation or review and the use of the information.
- A statement that copies of your child's school files, records and reports are available to you at a reasonable cost.
- A statement which describes your opportunity to participate in meetings of the Committee on the Handicapped for purposes of developing recommendations.
- A statement that you may be accompanied by others at the meetings.
- Information about your right to request that the school physician attend the Committee on the Handicapped meeting.
- Information which describes your right to submit evaluation information to be considered by the Committee on the Handicapped.
- Information about your right to an independent evaluation at public expense if you disagree with the results of the district's evaluation or its proposed evaluation. However, the district may challenge your request through an impartial hearing.
- The availability of agencies where independent evaluations may be obtained.
- A detailed description of the right to obtain an impartial hearing.

The following assurances will be stated:

- Your right to consent or withhold consent to an initial evaluation.
- An indication that free or low-cost legal services are available including the names, addresses and phone numbers of agencies where such services may be obtained.
- A statement that, pending any proceedings, your child will remain in the current educational placement unless other arrangements are made by the Board of Education or Commissioner and the parents.

EXAMPLE:

PARENT REFERRAL LETTER TO COH

Date _____

Dear _____:
(Building Administrator and/or COH Chairperson)

I am writing to refer my child _____(Name)_____, age ____, to the Committee on the Handicapped. I request that you conduct an individual evaluation to determine whether a handicapping condition is present that would make my child eligible for special education services.

I am concerned about my child's educational difficulties in the following areas:

Please contact me as soon as possible to discuss my referral.

Sincerely,

_____
Parent/Guardian

_____
Address

_____
Phone

Evaluation

Step 2

Suggestions for Your Participation

✓ Find out when testing will occur.

___ Assist in preparing your son or daughter for the testing by explaining when and why tests are being given and who will be giving them.

___ Gather information which may help evaluate your child:

- Review your files.
- Ask for records from other schools and programs that your child attended, also ask for records from physicians.
- Review information for consistency and make notes about your child's needs, learning preferences, and your suggestions regarding school progress.

___ Send to the COH any information that you would like considered during the evaluation process.

___ Talk to a parent who has been involved in this process to discuss any concerns.

Additional Notes:

Record-Keeping Ideas

____ Record the date you consented to your child's evaluation.

____ Maintain a listing of dates for tests and classroom observation to record any reactions or concerns that your child may have.

____ Include copies of notices and consents in your home file.

____ Request copies of information currently in your child's school file and organize them in chronological order.

____ Request a sample IEP form so that you are familiar with it.

Due Process Assurances

____ Evaluations must be nonbiased and administered in the child's dominant language.

____ No single test is used as the sole basis for program recommendations.

____ Evaluation must include a physical examination, individual psychological examination, social history and other suitable examinations. Your child must also be observed in the classroom by someone other than the teacher in the classroom.

____ You have the right to an independent evaluation at any time and may request that it be conducted at district expense.

____ You have the right to request an impartial hearing if you disagree with evaluation results.

EVALUATION DATA

Names of Tests	Proposed Dates of Tests:	Conducted by:
_____		
_____		
_____		
_____		
_____		
_____		
_____		
_____		

List questions you may have about the evaluation:

List new information provided to you about your child's school progress:

Describe results of discussions about evaluations:

Recommendation

Step 3

Suggestions for Your Participation

✓ Notify the COH that you plan to attend meetings.

___ Ask for meetings to be rescheduled at a mutually convenient time if you are unable to attend as scheduled.

___ Present information to the COH that is related to the topic of discussion.

___ Ask questions on information presented at meetings to clarify items to your satisfaction.

___ Share your thoughts regarding recommended programs and services. As appropriate, add to development of Phase I of the IEP.

___ Visit programs or placements being considered for your child--ask how to set up such appointments.

___ Consider bringing a friend or relative to COH meetings to provide additional support.

___ Request a sample IEP form and become familiar with the information that is contained in it.

___ Consider factors related to the least restrictive environment.

- Are programs close to your home?
- Is there interaction with nonhandicapped peers?
- Are the programs and services appropriate to your child's needs?

Additional Notes:

Record-Keeping Ideas

____ Record the dates of COH meetings.

____ Record who was present at the meeting.

____ Keep any notices or information sent to you about the meetings.

____ If your child is recommended for special education, ask for a copy of the Phase I-IEP.

____ Save materials that may be sent out by the school. (e.g., information about future parent training programs, calendars of Board meetings, PTA meetings, after-school activities, events sponsored by community groups.)

Due Process Assurances

____ You must have the opportunity to participate in the development of the IEP.

____ You can bring other persons with you to the COH meeting.

____ The school physician will attend the COH meeting if you request this. (Your request must be made at least 72 hours before the meeting.)

____ You have the right to an interpreter or translator, if needed.

____ You have the right to disagree with the recommendation and request an impartial hearing.

NOTE-TAKING FORM:

COH MEETING FOR RECOMMENDATION

Date of Meeting: _____

Date of Notice of Meeting: _____

Participants:

_____ _____

_____ _____

_____ _____

Evaluations: Topics Discussed:

_____ _____

_____ _____

_____ _____

_____ _____

Results:

Classification, if any: _____

IEP

Recommended Program and Services:
_____ Regular Education ____ Special Education ____ Both

Recommended Placement:

Questions as a result of the meeting:

_____

_____

_____

(List details of the recommended IEP on additional paper.)

EXAMPLE:

PARENT NOTICE OF RECOMMENDATION

Date: _____

Student's Name: _____

Date of Birth: _____

Date of COH Meeting: _____

Initial Review: _____

Annual Review: _____

Dear _____,
Parent/Guardian

The Committee on the Handicapped met to review the evaluation conducted on your child. The following recommendations were developed and will be reported to the Board of Education:

Classification _____

Program _____

Related Services _____

Placement _____

The recommendations were based upon the following tests and reports:

Attached are statements which outline your rights as a parent of a child with a handicapping condition and a copy of your child's Phase I IEP. Please read all enclosures carefully. If you agree with our recommendation, please sign the request for your consent and return it to me as soon as possible. If you do not agree, please call as soon as possible to resolve the matter.

On behalf of the Committee, I would like to wish you and your child a successful and rewarding school year.

Sincerely,

_____
Chairperson, COH

Enclosures

Request for Consent _____

Statement of Rights _____

Phase I IEP _____

Step 4

Suggestions for Your Participation

- ✓ Read the Notice of Recommendation carefully and make sure that it fully describes the anticipated programs, services and placement.
- ___ Express your satisfaction or dissatisfaction with the recommendation as soon as possible so that your child's needs are addressed without delay.
- ___ Prepare your child for changes in his/her program, such as new classrooms and activities, different transportation arrangements, and new teachers.
- ___ Plan to visit and observe your child in the agreed-upon program.
- ___ Ask questions of those who will be working directly with your child.
- ___ Ask about initial classroom assessments that might be conducted.
- ___ Contact the COH to discuss questions or problems.

Additional Notes:

Record-Keeping Ideas

____ File the COH recommendation and Phase I information.

____ Save any pertinent correspondence from teachers, administrators, and COH members.

____ Keep a calendar of your child's projected daily/weekly schedule.

____ Record the date your child begins the recommended program.

Due Process Assurances

____ Your consent is required before the recommended program can be implemented.

____ If eligible for special education, your child's needs are included in Phase I of the IEP. This must be developed before the programs and services begin.

____ The Board of Education must act upon the COH recommendation within thirty school days.

____ You must receive a notice of the Board of Education decision.

____ You have the right to request an impartial hearing if you disagree with the COH recommendation or the Board of Education decision.

Planning Conference

Step 5

Suggestions for Your Participation

- ✓ Become familiar with new teachers and programs as soon as possible.
- ___ Ask in advance, for a sample IEP Phase II to give you an idea of information which might be included for your child.
- ___ Attend the special education planning conference, which is scheduled within 30 school days of your child's entrance into the program.
- ___ Bring others with you for support or advice if you wish.
- ___ Suggest any short-term objectives that you feel may help to achieve annual goals.
- ___ If your child also participates in regular education classes, ask that those teachers attend; or talk with them about their classroom objectives. You may also ask related service providers to participate.

Additional Notes:

Record-Keeping Ideas

____ File Phase II along with the rest of the IEP.

____ Record observations regarding your child that may provide insight during the planning conference.

____ Maintain a written schedule of your child's classes, teachers, transportation, etc.

____ Save correspondence from special education teachers and school staff.

Due Process Assurances

____ You must receive notice of the planning conference at least 5 days before the conference.

____ If you wish to attend, and the date, time or location is not convenient, you may ask to reschedule the meeting.

____ You have a right to request a COH review if you do not think the program is appropriate.

Planning Conference Notes

Projected date for annual review: _____

Questions to Consider:

- Will the Phase II objectives help meet the goals outlined in Phase I?
- How can I reinforce learning and skills at home?

Discussion Points — Comments:

1. Student's Adjustment to Placement

2. Additional Evaluations

3. Student's Schedule

4. Teachers/Staffing

5. Transportation

6. Short-term Objectives

7. Evaluation Criteria

SCHOOL SCHEDULE

Transportation: .

Pick-up/Drop-Off Times

Contact Person: _____

Class Schedule: (list subject, teacher, room number in each block)

TIME:	M	T	W	TH	F

School Address: _____

Telephone Number: _____

Annual Review

Step 6

Suggestions for Your Participation

✓ Review the IEP that was developed at the previous COH meeting in order to determine the effectiveness of the program throughout the year.

___ Discuss areas where your child showed success and significant progress.

___ Discuss problems encountered throughout the year.

___ Suggest changes or additions for the coming year's program and services.

___ Ask questions about proposed goals in the IEP and request more information, as needed.

___ Establish the purpose for changing goals or other components of the Phase I.

___ Discuss ways to meet the proposed goals and objectives for your child.

Additional Notes:

Record-Keeping Ideas

____ Save copies of the current IEP.

____ Gather report cards, representative samples of your child's work and teacher conference reports.

____ Save copies of all notices or correspondence with the school during the year.

____ Save a copy of the IEP developed at the Annual Review meeting.

Due Process Assurances

____ The program of every student receiving special education is reviewed at least annually.

____ You are notified of annual review meetings in advance.

____ You have the right to participate in the meeting or request that the meeting be rescheduled so that you may participate.

____ You may request a COH review at anytime and/or withdraw your consent to the current program any time, if you cannot come to agreement.

Preparation Checklist for

Annual Review

Records to Keep Throughout the Year

Item:	Date Filed:	Comments:
Classroom Information		
• Report Card	_____	
• Conference Reports	_____	
• Attendance Record	_____	
• Examples of Classwork	_____	
• Student's Schedule	_____	
• Copy of IEP	_____	
• Test Results	_____	
School Correspondence		
• Teacher Requests	_____	
• School Notices	_____	
• COH Notices	_____	
• School Calendar	_____	
• Meetings Attended	_____	
• Phone Contacts	_____	
Additional Reports		
• From other agencies	_____	
• Additional health records	_____	
• Other independent evaluations	_____	

Triennial Evaluation

Step 7

Suggestions for Your Participation

✓ Periodically check your records to make sure an evaluation is scheduled every three years.

___ When you are notified of the triennial evaluation, you may be informed of the need for additional evaluations. If you have questions about new tests, call the COH for information.

___ Prior to the meeting, ask to review evaluative results. Write down any questions you may have regarding reports.

Additional Notes:

Record-Keeping Ideas

___ Record the tests that are given.

___ Keep a record of test results from the reevaluation.

Due Process Assurances

___ Students receiving special education must receive a triennial reevaluation.

___ You are notified in advance of the reexamination and are informed of any different evaluations that are needed.

Suggestions for Your Participation

The following suggestions are not needed in every situation and should be carefully considered prior to any action.

✓ Attempt to resolve conflicts informally.

___ If you disagree with a proposed action (i.e., evaluation, recommendation, placement) express this disagreement or dissatisfaction.

___ In some situations, you may wish to consider an impartial hearing. Before initiating the formal process, clearly identify the current problem, gather complete information, consider other points of view, consider options for resolving the issue, and plan your approach.

___ If you wish to proceed with a formal process for resolution, a written request for an impartial hearing must be sumitted.

___ If an impartial hearing has been requested, consider the need for representation by attorney or someone knowledgeable about special evaluation issues.

___ If an impartial hearing does not resolve the issue to your satisfaction, you may wish to consider an appeal to the Commissioner.

___ Remember that parents and school districts should be working in the best interest of the child. This should be the primary focus in resolving any disagreement.

Additional Notes:

Record-Keeping Ideas

____ Maintain copies of all documents (notices, consents, communication from the school, communication to the school).

____ Take notes during informal conferences, meetings, and hearings.

Due Process and Appeals

____ (The section that follows describes the appeal process.)

Appeals to the Commissioner

If you are dissatisfied with the decision of the impartial hearing officer, you may proceed with an appeal to the Commissioner of Education. This appeal is a request for review of the impartial hearing officer's decision and is not another hearing. The decision of the Commissioner will be based on the testimony and exhibits given to the hearing officer at the impartial hearing. Oral arguments before the Commissioner are not permitted, only submission of papers. It is very important that the procedures required for appeal are followed exactly. As you proceed with this appeal, it will be helpful to keep the following points in mind:

- The **Petition** is a statement of the petitioner's reasons for disagreeing with the hearing officer's decision and a request that the Commissioner set aside such decision.
- The **Petitioner** is the person or party that initiates the appeal.
- The **Respondent** is the party that must answer the issues in the petition.
- Parents or legal guardians initiate the petition on behalf of the child.

The procedures and timelines described below must be followed carefully. The procedures are described with the assumption that the parent is the petitioner for purposes of this manual. (Forms follow steps 1-10.)

1. How to Proceed with the Appeal

A Notice of Intent to Seek Review (Form A) must be served upon the Board of Education not less than 10 calendar days before the petition is served and within 30 calendar days after receipt of the decision of the hearing officer.

After the Notice of Intent to Seek Review is typed, a copy of the notice must be hand-delivered to the school district clerk, any trustee or member of the Board of Education, to the superintendent of schools or to a person in the superintendent's office who has been designated by the Board to accept service. The original copy of the Notice of Intent and an affidavit of service of copy of the notice upon the Board should be mailed to the Office of Counsel of the Education Department in Albany within 5 days after the delivery of the copy of the Board.

2. Preparing the Appeal

The petitioner must prepare the appeal. The appeal consists of the following items:

Notice with Petition (Form B). The petition must be filed within 40 calendar days after the date the hearing officer's decision was received. The petition and all others submitted to the Commissioner, must be typewritten and double-spaced on white paper, $8\frac{1}{2}$ by 11 inches in size. Capitalize the entire names of the parties (child, parent and Board of Education) and the first

letters of "Petitioner" and "Respondent." The petition should be addressed to the Commissioner of Education and must have the parent's name (or the attorney's name), mailing address, and telephone number at the end of it.

Written Argument. The written argument includes the reasons and justification of the disagreement with the impartial hearing officer. The petition should summarize the decision and focus on the issues raised in the appeal. Each paragraph should be numbered and include only one statement. Paragraphs should be supported by referring to transcript pages, exhibits, or quoting parts of the record. All references to the record should be identified by the transcript page number or exhibit number and page. A separate section of the petition or a separate memorandum of law should include pertinent statutes, regulations or decisions to support the position.

Affidavit of Verification (Form C). This form swears the petitioner to the truth of the statements in the petition.

3. **Serving the Petition**

The petitioner must have the petition hand-delivered to the Board of Education by someone over the age of 18 but not a party to the appeal (not you nor the child involved).

Two photocopies of all the papers should be made. One photocopy must be delivered to the Board. The original and an affidavit of service of a copy of the petition upon the Board is filed (see Step 5) and you keep the other photocopy.

4. **Notarizing the Affidavit of Personal Service**

The Affidavit of Personal Service (Form D) needs to be signed and notarized. The affidavit should be inserted after the original petition, following the verification (Form C).

5. **Filing the Petition with the Commissioner of Education**

The petitioner must file the following items with the Office of Counsel, New York State Education Department, State Education Building, Albany, NY 12234. All papers sent must be original.

- the complete appeal
  - notice with petition (Form B)
  - the petition and the Affidavit of Verification (Form C)
- a copy of the Notice of Intent to Seek Review (Form A)
- Affidavit of Personal Service (Form D)

6. The respondent must prepare an answer to the petition. The respondent has 10 days after receiving the petition to file an answer to the petitioner's appeal. A written argument, memorandum of law and additional documentary evidence should be prepared by the respondent.

7. The respondent must serve the answer on the petitioner. The respondent must either hand-deliver or mail serve the answer on the petitioner (Form E). If the answer is hand-delivered, the original and one photocopy is taken to the petitioner. The papers should be stamped as to time and date received. A photocopy of the answer is left with the petitioner. After doing this, the person who hand-delivered the answer should prepare and have notarized the Affidavit of Verification. The affidavit inserted at the back of the answer and the original of the answering papers, with the Affidavit of Verification, should be sent to the Office of Counsel in Albany.

   If the answer is served by mail, photocopies of the papers are sent to the petitioner. Whoever mails the papers should fill out an Affidavit of Service by Mail (Form E), sign and have the affidavit notarized. The original of the Affidavit of Service by Mail is sent to the Office of Counsel. The respondent must file the answer with the State Education Department within 2 calendar days of the date that the answer was served on the petitioner.

8. Petitioner may respond to the answer by the respondent. The response must be served on the respondent and filed with the State Education Department within 3 calendar days after the service of the answer.

9. The Board of Education has the responsibility to file with the Office of Counsel a copy of the written transcript of the record before the hearing officer and the decision.

10. **Decision of the Commissioner**

    The Commissioner of Education must make a decision on your appeal within 30 calendar days of the filing of appeal papers.

    If you remain dissatisfied with the Commissioner's final determination, you may obtain judicial review of such determination in either State Supreme Court or Federal District Court.

FORM A

NOTICE OF INTENTION TO SEEK REVIEW

IN THE MATTER OF THE APPEAL OF, :

[parent's name]
on Behalf of [child's name] :

Petitioners,

:

-against-

[school district's name] :

Respondent. :

NOTICE:

The undersigned intends to seek review of the determination of the hearing officer concerning the identification, evaluation or placement of [child named in action]. Upon receipt of this notice, you are required to have prepared a written transcript of the proceedings before the hearing officer in this matter. A copy of the transcript and of the decision of the hearing officer must be filed with the answer to the petition for review to be filed by the undersigned with the Commissioner of Education.

Dated:

signature
[parent or person in parental relationship who has initiated the appeal]

NOTICE WITH PETITION

IN THE MATTER OF THE APPEAL OF, :

[parent's name]
on Behalf of [child's name] :

Petitioners,

:

-against-

[school district's name] :

Respondent. :

NOTICE:

You are hereby required to appear in this review and to answer the allegations contained in this petition. Your answers must conform with the provisions of the regulations of the Commissioner of Education relating to reviews of this nature, copies of which are available from the Office of Counsel, New York State Education Department, State Education Building, Albany, New York 12234.

If an answer is not served and filed in accordance with the provisions of such regulations, the statements contained in the petition will be deemed to be true statements, and a decision will be rendered thereon by the Commissioner.

Please take notice that such regulations require that an answer to the petition must be served upon the petitioner, or if petitioner is represented by counsel, upon such counsel, within ten days after the service of the petition for review, and that a copy of such answer must, within two days after such service, be filed with the Office of Counsel, New York State Education Department, State Education Building, Albany, New York 12234.

Dated:

signature
[parent or person in parental relationship who has initiated the appeal]

FORM C

AFFIDAVIT OF
VERIFICATION

STATE OF NEW YORK

ss.

COUNTY OF

[parent making petition], being duly sworn, deposes and says that he is [relationship to child] in this proceeding; that he has read the annexed [petition/answer] and knows the contents thereof; that the same is true to the knowledge of deponent except as to the matters therein stated to be alleged upon information and belief, and as to those matters he believes it to be true.

[parent making petition]
(print name below signature)

Subscribed and sworn to before me
this [date] day of [month] 19[year].

[Signature and title of officer]
Notary Public-Commissioner of Deeds

FORM D

AFFIDAVIT OF PERSONAL SERVICE

DEPARTMENT OF EDUCATION
STATE OF NEW YORK
COMMISSIONER OF EDUCATION

IN THE MATTER OF THE APPEAL OF, :

[parent's name]
on Behalf of [child's name] :

Petitioners,
:

-against-

[school district's name] :

Respondent. :

STATE OF NEW YORK

SS.

COUNTY OF (your county)

[name of deliverer] being duly sworn, deposes and says that he/she is over the age of eighteen years and is not a party in this proceeding; that on the [date] day of [month], 19__, at No. _____ Street, in the town of _____, county of _____, State of New York, he/she served the annexed [notice, petition, and memorandum in support of petition] on [school district's name] by delivering to and leaving with said [receiver of papers] at said time and place a true copy thereof.

Deponent further says he/she knew the person so served to be the said [receiver of paper], who is [position of receiver] in said district.

[name of deliverer]
(Signature)

Subscribed and sworn to before me
this _____ day of _____, 19____.

_____
Notary Public

FORM E

AFFIDAVIT OF
SERVICE BY MAIL

STATE OF NEW YORK

ss.

COUNTY OF [county of hearing]

[name of deliverer], being duly sworn, deposes and says that he is over the age of eighteen years and is not a party in this proceeding; that on the [date] day of [month], 19[year], deponent served the within [notice, petition, and memorandum in support of petition] upon [respondent] in this action, at [school district], the addresses designated by [school district] for that purpose by depositing a true copy of the same by mail, enclosed in a post-paid properly addressed wrapper, in _____ a post office _____ official depository under the exclusive care and custody of the United States Post Office Department within the State of New York.

[name of deliverer]
[Signature]

Subscribed and sworn to before me
this _____ day of _____ 19____

[Signature and title of officer]

This form is used only when answering the petition and serving by mail and is not required of the petitioner when filing an appeal.

PLANNING AHEAD

Suggestions for Your Participation

✓ Discuss long-term goals that you and your child have established. Plan services or programs with these goals in mind.

___ Stay informed of changes and additions to laws, regulations and state and local policies.

___ Attend workshops, seminars and conferences on topics related to special education.

___ Keep in touch with other parents whose children have similar needs.

___ Join community organizations that inform others on the topic of special education.

Additional Notes:

Record-Keeping Ideas

___ Maintain a directory of key people and contacts.

___ Record general information on your son's or daughter's skills. This may be useful in planning for services throughout and beyond school years.

___ Keep a cumulative folder.

Due Process Assurances

___ All students have the right to attend school until receipt of a diploma or until age twenty-one.

Key People Directory

Name: _____ Phone: _____

Title: _____

Address: _____

_____

Purpose of contact: _____ Contact Date: _____

Summary:

Purpose of contact: _____ Contact Date: _____

Summary:

Purpose of contact: _____ Contact Date: _____

Summary:

Child Skills

Preschool	Elementary	Junior High	High School

Learning Style

Strengths:

Areas for Improvement:

Work Habits

Strengths:

Areas for Improvement:

Leisure Activities

Strengths:

Areas for Improvement:

Child Skills

Preschool	Elementary	Junior High	High School

Mobility
(physical abilities)

Strengths:

Areas for Improvement:

Communication

Strengths:

Areas for Improvement:

Social Relationships

Strengths:

Areas for Improvement:

Self-Concept

Strongest Skill:

Strengths:

TIMELINE FOR PLANNING BEYOND HIGH SCHOOL

Action	Source of Assistance
Age 16	
Apply for Social Security	Social Security Administration
Decide on Guardianship	Surrogate Court
Obtain Work Permit	School Office
Obtain information on Driver's Licenses	Department of Motor Vehicles
Inquire about OVR Services	Office of Vocational Rehabilitation
Age 18	
Apply for Supplemental Security Income (SSI) and Medicaid	Social Security Administration
Register to Vote	City Hall
Register for Draft	Post Office
Obtain Personal ID Card	Local Police Department
Inform Health Insurance Company of son's/daughter's disability and obtain a rider of continued eligibility. Variances may be granted as long as your child lives in your home.	Insurance Agency or Employment Office
Age 21 - Ongoing	
Visit Adult Programs	Community Agencies
Apply for Medicaid	Social Security Administration
Attend to Financial Planning - wills, estates, trusts	Attorney
Explore Federal Benefits	Social Security Administration
Research Adult Living Situations	Community Services Directory
Contact Community Recreational Social Programs	Community Services Directory

RESUME OF WORK-RELATED EXPERIENCE

Standard job applications require a chronological listing of significant work-related experiences. Develop and update your son's or daughter's experiences. If possible, teach your child how to do this independently. Work-related experience may include part-time/full-time jobs, vocational training experiences, volunteer experiences, or club and community activities.

Description of Work-Related Experience	Dates	Contact Person (for reference: name, address, phone)	Additional Comments
1.			
2.			
3.			
4.			

LIST OF FREQUENTLY USED ACRONYMS

ADL	Activities for Daily Living
BOCES	Board of Cooperative Educational Services
BOE	Board of Education
COH	Committee on the Handicapped
CP	Cerebral Palsy
DSS	Department of Social Services
ECDC	Early Childhood Direction Centers
ED	Emotionally Disturbed
FAPE	Free Appropriate Public Education
FERPA	Family Educational Rights and Privacy Act of 1974 ("Buckley Amendment" on Confidentiality)
504	Rehabilitation Act of 1973 (Public Law 93-112, Section 504)
IEP	Individualized Education Program
IHO	Impartial Hearing Officer
IQ	Intelligence Quotient
JTPA	Job Training Partnership Act
LD	Learning Disabled
LEA	Local Education Agency
LRE	Least Restrictive Environment
MR	Mentally Retarded
OECHC	Office for Education of Children with Handicapping Conditions (State Education Department)
OMH	Office of Mental Health
OMRDD	Office of Mental Retardation and Developmental Disabilities
OT	Occupational Therapist/Occupational Therapy

OVR	Office of Vocational Rehabilitation
P.L. 94-142	The Education of All Handicapped Children Act
P.L. 98-199	1983 Revision and Extension of the above
PT	Physical Therapist/Physical Therapy
RT	Recreational Therapist
SED	State Education Department
SETRC	Special Education Training and Resource Centers
SSI	Supplemental Security Income

EARLY CHILDHOOD DIRECTION CENTERS

The Early Childhood Direction Centers, coordinated by the New York State Education Department, are resources for parents of preschool-age children with handicapping conditions. They provide information about special education programs and help parents obtain services for their children.

The following list is provided for you to identify the Early Childhood Direction Center in your area.

Early Childhood Direction Center
c/o Cantalician Learning Center
3233 Main Street
Buffalo, NY 14214
(716) 833-3127
1-800-462-7653

Regional Early Childhood
Direction Center
264 Village Landing
Fairport, NY 14450
or
University of Rochester
Strong Memorial Hospital
601 Elmwood Avenue
Rochester, NY 14642
1-800-462-4344 or
(716) 223-6220

Early Childhood Direction Center
Center on Human Policy
Syracuse University
123 College Place
Syracuse, NY 13210
1-800-962-5488
(315) 423-4444, (315) 423-3851

Early Childhood Direction Center
Broome-Delaware-Tioga BOCES
Adult Learning Center
740 Main Street
Johnson City, NY 13790
(607) 798-8736

Early Childhood Direction Center
Franklin-Essex-Hamilton BOCES
P.O. Box 28
Malone, NY 12953
(518) 483-6523

Early Childhood Direction Center
of the Capital Region
Albany-Schenectady-Schoharie
BOCES
Maywood Elementary School
1979 Central Avenue
Albany, NY 12205
1-800-342-1216 or (518) 456-9071

Early Childhood Direction Center
101 Hurley Avenue
Kingston, NY 12401
(914) 338-6755

Early Childhood Direction Center
St. Agnes Hospital
305 North Street
White Plains, NY 10605
(914) 681-4656

Early Childhood Direction Center
New York Hospital
525 East 68th Street
New York, NY 10021
(212) 472-6535

Early Childhood Direction Center
NICU
Interfaith Medical Center - Site A
1545 Atlantic Avenue
Brooklyn, NY 11213
(718) 240-4600

Early Childhood Direction Center
United Cerebral Palsy of Queens
82-25 164th Street
Jamaica, NY 11432
(718) 380-3000 Ext. 265

Early Childhood Direction Center
Variety Pre-Schooler's Workshop
47 Humphrey Drive
Syosset, NY 11791
(516) 364-8580

Early Childhood Direction Center
Suffolk Child Development Center
Hollywood Drive
Smithtown, NY 11787
(516) 724-2402 or 724-1717

Early Childhood Direction Center
Lincoln Medical and Mental
Health Center
234 East 149th Street, 4A Room 50
Bronx, NY 10451
(212) 579-5778 or 579-5779

Coordinating Office:

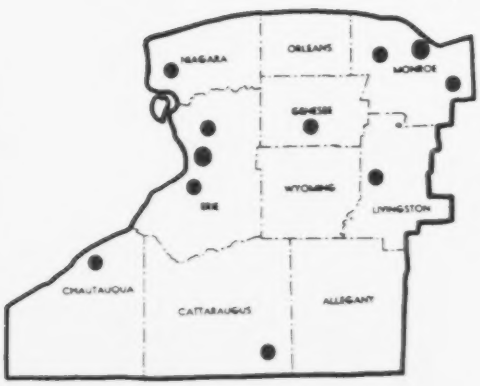
New York State Education Dept.
Office for Education of Children with
Handicapping Conditions
Division of Program Development
Albany, NY 12234
(518) 474-5804 or 474-8917

DIRECTORY OF SPECIAL EDUCATION TRAINING AND RESOURCE CENTERS IN NEW YORK STATE BY REGION

Coordinating Office

New York State Education Department
Office for Education of Children with Handicapping Conditions
Division of Program Development
Albany, New York 12234
(518) 474-8917 or 2251

WESTERN REGION



Buffalo City SETRC
School #75
99 Monroe Street
Buffalo, New York 14206
(716) 856-5595

Cattaraugus-Allegany-Erie-Wyoming BOCES SETRC
Windfall Road
Box 424-B
Olean, New York 14760
(716) 372-8293

Chautauqua County BOCES SETRC
9520 Fredonia Stockton Road
Fredonia, New York 14063
(716) 672-4371 Ext. 278

Erie #1 BOCES SETRC
2 Pleasant Avenue West
Lancaster, New York 14086
(716) 686-2019 or 2082

Erie #2-Cattaraugus BOCES SETRC
3340 Baker Road
Orchard Park, New York 14127
(716) 662-0135

Genesee-Wyoming BOCES SETRC
8250 State Street Road
Batavia, New York 14020
(716) 343-1400 Ext. 296

Livingston-Steuben-Wyoming BOCES SETRC
Holcomb Building
Geneseo, New York 14454
(716) 243-5470

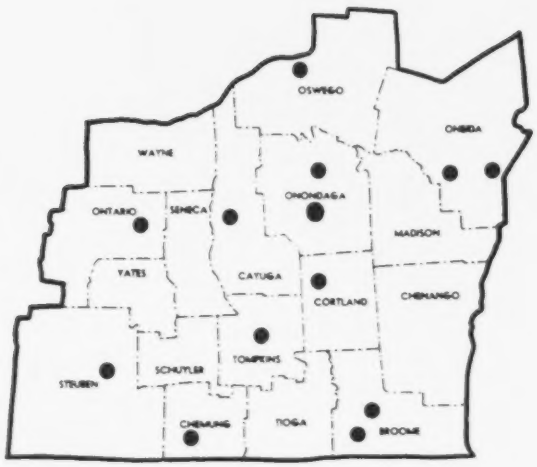
Monroe #1 BOCES SETRC
41 O'Connor Road
Fairport, NY 14450
(716) 377-4660 Ext. 580

Monroe #2-Orleans BOCES SETRC
3599 Big Ridge Road
Spencerport, New York 14559
(716) 352-2443

Orleans-Niagara BOCES SETRC
East Avenue & Transit Road
Newfane, New York 14108
(716) 778-7753

Rochester City SETRC
Central Administrative Offices
131 West Broad Street
Rochester, New York 14608
(716) 325-4560 Ext. 2710

CENTRAL REGION



Broome-Delaware-Tioga BOCES SETRC
421 Upper Glenwood Road
Binghamton, New York 13905
(607) 729-9301 Ext. 362

Cayuga County BOCES SETRC
234 South Street Road
Auburn, New York 13021
(315) 253-0361 Ext. 146

Cortland-Madison BOCES SETRC
McEvoy Education Center
1710 NYS Route 13
Cortland, New York 13045
(607) 753-9301

Delaware-Chenango SETRC
S.U.N.Y. At Binghamton
Division of Professional Education
Vestal Parkway
Binghamton, New York 13901
(607) 777-6681

Madison-Oneida BOCES SETRC
Spring Road
Verona, New York 13478
(315) 363-8000

Oneida-Herkimer-Madison BOCES SETRC
Box 70
Middle Settlement Road
New Hartford, New York 13413
(315) 792-4614 or 792-4605

Onondaga-Madison BOCES SETRC
P.O. Box 4754
Syracuse, New York 13211
(315) 433-2645

Ontario-Seneca-Yates-Cayuga-Wayne BOCES SETRC
Finger Lakes Educational Center
3501 County Road 20
Stanley, New York 14561
(716) 526-6410

Oswego BOCES SETRC
County Route 64
Mexico, New York 13114
(315) 963-3094

Schuyler-Chemung-Tioga BOCES SETRC
Broad Street School
Broad Street
Horseheads, New York 14845
(607) 739-3581 Ext. 341

Steuben-Allegany BOCES SETRC
Early Instructional Center
R.D. #1, Box 82
Bath, New York 14810
(607) 776-4181

Syracuse City SETRC
Teacher Center
907 Butternut Street
Syracuse, New York 13208
(315) 425-4685

Tompkins-Seneca-Tioga BOCES SETRC
555 South Warren Road
Ithaca, New York 14850
(607) 257-1551 Ext. 276

NORTHEAST REGION

Albany-Schoharie-Schenectady BOCES SETRC
Maywood School
1979 Central Avenue
Albany, New York 12205
(518) 456-9069

Clinton-Essex-Warren-Washington BOCES SETRC
Box 455
Plattsburgh, New York 12901
(518) 561-0100

Franklin-Essex-Hamilton BOCES SETRC
Adirondack Education Center
Bloomingdale Avenue
Saranac Lake, New York 12983
(518) 483-1697

Hamilton-Fulton-Montgomery BOCES SETRC
Fulton-Montgomery Community College
Route 67
Room L210
Johnstown, New York 12095
(518) 762-7754

Herkimer-Fulton-Hamilton-Otsego BOCES SETRC
Gros Boulevard
Herkimer, New York 13350
(315) 867-2082

Jefferson-Lewis-Hamilton-Herkimer-Oneida BOCES SETRC
North Junior High School
171 East Hoard Street
Watertown, New York 13601
(315) 782-9229

Otsego-Delaware-Schoharie-Greene BOCES SETRC
Rexmere Park
Stamford, New York 12167
(607) 652-7531 Ext. 29

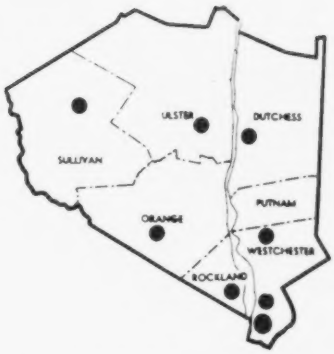
Rensselaer-Columbia-Greene BOCES SETRC
Green Meadow School
1588 Schuurman Road
Castleton, New York 12033
(518) 477-8771 Ext. 304 - 306

St. Lawrence-Lewis BOCES SETRC
Kingston Middle School
Lawrence Avenue
Potsdam, New York 13676
(315) 265-2646

Saratoga-Warren BOCES SETRC
Myers Education Center
Henning Road
Saratoga Springs, New York 12866
(518) 584-3239

Washington-Warren-Hamilton-Essex BOCES SETRC
Southern Adirondack Education Center
LaCrosse Street
Hudson Falls, New York 12839
(518) 793-7721 Ext. 219

SOUTHEAST REGION



Dutchess BOCES SETRC
Poughkeepsie Middle School
55 College Avenue
Poughkeepsie, New York 12601
(914) 471-0983

Orange-Ulster BOCES SETRC
Gibson Road
Goshen, New York 10924
(914) 294-5431 Ext. 276

Rockland BOCES SETRC
BOCES Media Center
Tappanzee Facility
Route 9-W
Piermont, NY 10968
(914) 365-1450

Sullivan BOCES SETRC
Ferndale Loomis Road
Box 391
Liberty, New York 12754
(914) 292-7500

Ulster BOCES SETRC
175 Route 32 North
New Paltz, New York 12561
(914) 255-1402

Westchester-Putnam #1 BOCES SETRC
Pinesbridge Road, Walden School
Yorktown Heights, New York 10598
(914) 245-1050 or 245-2700

Westchester #2 BOCES SETRC
Instructional Services Department
Concord Road
Ardsley, New York 10502
(914) 693-7576

Yonkers City SETRC
Pupil Resource Center
Yonkers High School
150 Rockland Avenue
Yonkers, New York 10710
(914) 963-0592 or
963-2944

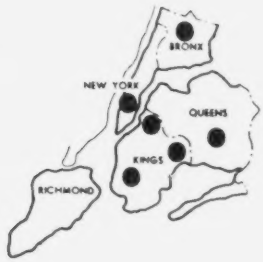
LONG ISLAND REGION

Nassau County BOCES SETRC
Rosemary Kennedy Center
2850 North Jerusalem Road
Wantagh, New York 11793
(516) 781-4044 Ext. 270-1-2

Suffolk #2 BOCES SETRC
School Services Center
Winganhauppauge Road
Islip, NY 11751
(516) 277-7403 or 277-7404

NEW YORK CITY

New York City SETRCs
New York City Board of Education
Central Office - Room 431
*High School Office - Room 237M
110 Livingston Street
Brooklyn, New York 11201
(718) 596-5852
*(718) 596-4193



NY Citywide Office
I.S. 201
400 1st Avenue
New York, NY 10010
(718) 596-5754

Region I SETRC
P.S. 79
55 East 120th Street
New York, New York 10027
(212) 534-6500 Ext. 45

Region II SETRC
Junior High School 101
2750 Lafayette Avenue
Bronx, New York 10465
(212) 823-6313

Region III SETRC
P.S. 371
360 36th Street
Brooklyn, New York 11232
(718) 965-4800

Region IV SETRC
P.S. 199
1100 Elm Street
Brooklyn, New York 11230
(718) 645-6566

Region V SETRC
P.S. 213
213-02 67tn Avenue
Bayside, New York 11364
(718) 428-6602

District 14 SEALL
P.S. 380, 3rd Floor
370 Marcy Avenue
Brooklyn, New York
(718) 387-4610

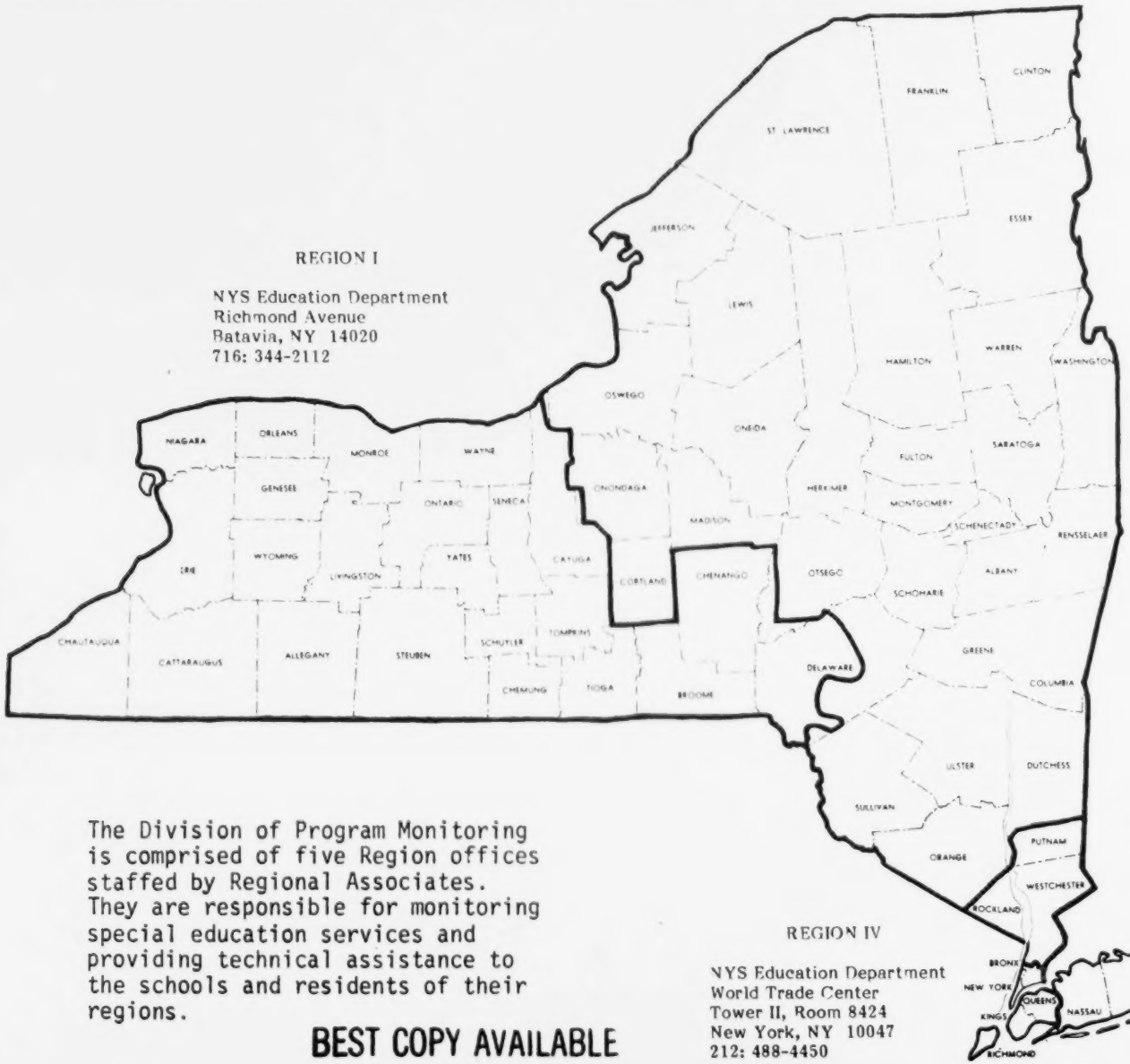
District 21 K SEALL
c/o P.S. 1200 (5th Floor)
2951 West 3rd Street
Brooklyn, New York 11224
(718) 266-5103

District 27 SEALL
P.S. 45
South Ozone Park
New York, New York
(718) 322-1210

District 30 Q SEALL
c/o P.S. 76 Q
36-36 10th Street
Long Island City, New York 11106
(718) 361-8400

OFFICE FOR EDUCATION OF CHILDREN WITH HANDICAPPING CONDITIONS

REGIONAL OFFICES AND AREAS SERVED



REGION I

NYS Education Department
Richmond Avenue
Batavia, NY 14020
716: 344-2112

REGION III

NYS Education Department
9C49 Cultural Education Center
Empire State Plaza
Albany, NY 12230
518: 474-5356

REGION VI

NYS Education Department
1950 Edgewater Street
Yorktown Heights, NY 10598
(914) 245-0010

REGION IV

NYS Education Department
World Trade Center
Tower II, Room 8424
New York, NY 10047
212: 488-4450

REGION V

NYS Education Department
Salisbury Center
Valentines Road & The Plain Road
Westbury, NY 11590
516: 997-8700

The Division of Program Monitoring is comprised of five Region offices staffed by Regional Associates. They are responsible for monitoring special education services and providing technical assistance to the schools and residents of their regions.

BEST COPY AVAILABLE

INFORMATION CHECKLIST

SINGLE COPIES of the items which are listed on this checklist are available at no cost from the Office for Education of Children with Handicapping Conditions. To receive a copy of any of the items listed below, check off the items which you would like to receive in the space provided, write your name and address on the spaces listed below and return this form to:

New York State Education Department
Office for Education of Children with
Handicapping Conditions
Division of Program Development
Room 1069, Education Building Annex
Albany, New York 12234

Please allow 2 - 4 weeks for delivery.

NAME:_____ POSITION:_____

ADDRESS:_____

_____

_____ ZIP_____

New York State Laws and Regulations

___ 1. **Article 89 of the Education Law** (revised October 1984)

This section of the State Education Law specifies the educational responsibilities of local school districts and the State Education Department to educate handicapped children. It includes Chapter 853 of the Laws of 1976, Chapter 470 of the Laws of 1977 and subsequent revisions and additions.

___ 2. **Article 81 of the Education Law** (effective July 1, 1981)

The State law governing the education of children residing in child care institutions including handicapped and nonhandicapped.

___ 3. **Section 112 of the Education Law** (revised June 1980)

This section requires the State Education Department to set standards of instruction and personnel qualifications for teachers of children in the residential care of any State department or agency or political subdivision.

___ 4. **Chapter 462 of the Laws of 1984**

Provides for planning and referral services for handicapped students reaching age 21 who are in nonresidential placements but are receiving special education services one hundred per centum of the school day.

___ 5. **Chapter 570 of the Laws of 1983**

Provides for planning and referral services for handicapped pupils reaching age 21 who are in residential in-state placements and will no longer be eligible for educational funding.

___ 6. **Chapter 544 of the Laws of 1982**

Provides for planning and referral services for handicapped pupils reaching age 21 who are in residential out-of-state placements and will no longer be eligible for educational funding.

___ 7. **Chapter 82 of the Laws of 1985**

Clarifies the students own right to consent to the release of information for planning aging-out services, if he or she is eighteen or older.

___ 8. **Part 116 of the Rules and Regulations of the Commissioner of Education** (revised September 1984)

These regulations establish educational programs and services for children in full-time residential care in homes or facilities operated or supervised by a State department or agency or political subdivision pursuant to Section 112.

___ 9. **Part 117 of the Rules and Regulations of the Commissioner of Education** (as amended August 1984).

Establishes standards for diagnostic screening of new entrants to the schools and those falling below State reference points on certain exams.

___10. **Part 200 of the Rules and Regulations of the Commissioner of Education**

The State regulations for the education of children with handicapping conditions, effective July 1, 1984.

Federal Laws and Regulations

___11. **Education of the Handicapped Act,** 20 United States Code Sections 1401-1461 (as amended by P.L. 94-142 and P.L. 98-199).

This Federal law mandates the education of all handicapped children and requires due process procedures, Individualized Education Programs and other safeguards which protect the educational rights of handicapped children.

___12. **Assistance to States for Education of Handicapped Children,** 34 Code of Federal Regulations Part 300

The August 23, 1977 Federal Regulations which establish procedures to implement P.L. 94.142 at the State and local level, as renumbered and amended.

___13. **Section 504 of the Rehabilitation Act of 1973,** 29 U.S.C. 794 (as amended and renumbered)

Nondiscrimination under Federal grants and programs.

___14. **Nondiscrimination on the Basis of Handicap,** 34 C.F.R. Part 104

Final Regulations on Section 504 of the Rehabilitation Act of 1973, as published in the Federal Register, May 4, 1977

___15. **Family Educational Rights and Privacy Act of 1974,** United States Code Section 1232g

Also called The Buckley Amendment.

___16. **Privacy Rights of Parents and Students,** 34 Code of Federal Regulations Part 99

Regulations based on the Buckley Amendment.

Publications

___ 1. **A Parent's Guide to Special Education: Your Child's Educational Rights in New York State** (revised 1984)

This manual is written for parents of children who require special education. It explains the financial and educational responsibilities of the State and local educational agencies to these children. To be translated into Spanish, French and Chinese.

___ 2. **A Guidebook for Committees on the Handicapped in New York State** (1985)

A manual to assist COH members in meeting regulatory responsibilities, includes management strategies.

___ 3. **Technical Assistance Materials for Administrators and Committees on the Handicapped** (1984)

Suggested procedures and forms to help school districts manage the steps in the Section 200.4 special education process.

___ 4. **Part 100 Regulations and Special Education, A Guide for Implementation** (1985)

A guide for administrators planning the coordination of special and regular education programs under Part 100.

___ 5. **The Triennial Evaluation of Students with Handicapping Conditions** (1985)

A manual designed to assist those professionals responsible for conducting triennial evaluations.

___ 6. **Special Education for Children with Handicapping Conditions Birth to Five** (1985)

A manual for parents describing certain services and application procedures for preschool-aged handicapped children, including the Family Court petition process.

___ 7. **Designing and Implementing a Program for Children with Handicapped Conditions Birth to Five** (1985)

A manual for professionals providing information on how to establish a preschool educational program for children with handicapping conditions.

___ 8. **Alternative Testing Techniques for Children with Handicapping Conditions** (1982)

A manual which provides information on the appropriate use of such techniques during statewide testing programs.

___ 9. **The Role of a School Board Member in the Education of Children with Handicapping Conditions** (revised 1982)

A handbook describing the board member's responsibilities for providing quality educational programs for children with handicapping conditions.

___10. **Serving the Speech Impaired Child in New York State** (1982)

Guidelines for identifying and serving children with speech impairments.

___11. **Placement and Education of Children with Handicapping Conditions in Private, State-Operated and State-Supported Schools** (1982)

A manual describing the processes for placement and the role and responsibilities of local school districts, parents, private schools and a variety of public agencies in the education of children with handicapping conditions.

Brochures and Other Available Materials

___ 1. Information and Training on the Education of Students with Handicapping Conditions

A description of the services available through the Division of Program Development and the New York State Training Network including the addresses and telephone numbers for the 52 Special Education Training and Resource Centers (SETRC).

___ 2. New York State Early Childhood Direction Centers

A listing of the 14 Direction Center addresses and telephone numbers with questions and answers on linking preschool handicapped children with services.

___ 3. Map of OECHC Regional Offices

This map shows the location of the Regional Offices and the areas they serve. It includes addresses and telephone numbers.

___ 4. Newsbriefs

Published during the school year, the Office for Education of Children with Handicapping Conditions newsletter contains information about changes in State and Federal legislation and policy which affects the services provided for pupils who require special education, and reports on activities of the Office.

___ 5. Knowing About Special Education

A pamphlet written in simple terms to inform parents of the rights of their handicapped children.

___ 6. Translations of the above pamphlet:

____ Arabic
____ Chinese
____ French
____ Greek
____ Italian
____ Korean
____ Laotian
____ Russian
____ Spanish
____ Vietnamese